

JA  
1  
.P57x  
2007

# SIGMA

JOURNAL OF POLITICAL AND INTERNATIONAL STUDIES

---

VOLUME XXV · FALL 2007



# SIGMA

JOURNAL OF POLITICAL AND INTERNATIONAL STUDIES

VOLUME XXV • FALL 2007  
BRIGHAM YOUNG UNIVERSITY

# SIGMA

JOURNAL OF POLITICAL AND INTERNATIONAL STUDIES

**EDITOR-IN-CHIEF**

Joshua Loud

**ASSISTANT EDITOR**

Jeremy Bylund

**EDITORIAL BOARD**

Casey Fowles

Alan Hurst

Steven Kapfer

Richard Nielsen

**FACULTY ADVISER**

Eric Hyer

*Sigma: Journal of Political and International Studies* is a multidisciplinary journal that serves as a publishing forum for undergraduate student papers in the fields of political science and international studies. *Sigma* is sponsored by the BYU chapters of Pi Sigma Alpha (National Political Science Honor Society) and Sigma Iota Rho (Honors Society for International Studies). For more information on these student organizations, please see their respective web sites at <http://fhss.byu.edu/PolSci/psa/index.html> and <http://kennedy.byu.edu/student/sigma/index.html>.

*Sigma* is published annually. Papers may be submitted to 745 SWKT, Provo, Utah 84602. We accept papers written on a broad range of topics related to political science and international affairs. Authors should submit three identical copies. An abstract and contact information should be included. The author's name must not appear on the pages of the paper.

*Sigma* welcomes interested students to participate on its editing and publishing teams. Academic credit is available for participation. For more information concerning submitting papers or working on staff, please contact the editorial committee at [byusigma@gmail.com](mailto:byusigma@gmail.com).

We wish to thank the communications team of the David M. Kennedy Center for International Studies for their editorial and graphic design assistance.

---

---

# Contents

The Voter-Poll Worker Relationship and Customer Satisfaction <i>Ashley Erickson, Amy La Monica, Steven A. Snell, And Patrick Spencer</i> .....	1
Why Democracies Still Have Corruption: A Quantitative Analysis Integrating Three Theoretical Frameworks <i>Richard I. Vigil</i> .....	13
Political Push Factors in Emigration: A Comparative Analysis <i>Rebecca Nielsen</i> .....	23
Rushin' to Join: The Case of Russia's Accession to the Council of Europe and the European Court of Human Rights <i>Kasey Clemans</i> .....	35
Beyond Democracy: The Effects of the Electoral System on Environmental Performance <i>Austin Baird, Rachel Bodily, Angela Merriam</i> .....	47
<i>Electing Justice</i> : Book Review <i>Tim Taylor</i> .....	59

# The Voter-Poll Worker Relationship and Customer Satisfaction

*Ashley Erickson, Amy La Monica, Steven A. Snell, and Patrick Spencer*

The 2000 presidential election highlighted several weaknesses in America's electoral process. Long lines, indeterminate ballots, allegations of vote fraud, and an inability to produce fast and accurate vote results will forever distinguish the Bush-Gore contest. In the aftermath of this election meltdown, Congress passed the Help America Vote Act of 2002 (HAVA). This act was designed to fix electoral problems by standardizing provisional voting, mandating statewide voter registration lists, and effectively banning punch cards and lever voting systems. When Congress passed HAVA, it simultaneously established the Election Assistance Commission (EAC) to distribute HAVA funds and ensure each state's compliance. The states were given large discretion in their employment of federal funds and their compliance with HAVA's minimal standards. The compliance deadlines that HAVA established for these changes expired earlier this year [2007].<sup>1</sup>

Utah readily met these deadlines. First, under the direction of Lieutenant Governor Olene Walker and finally under Lieutenant Governor Gary Herbert, Utah organized an implementation committee and developed a four-year plan to conform to HAVA requirements. The planning committee budgeted more than twenty million dollars for the acquisition of new Diebold touch-screen machines.<sup>2</sup> To better accommodate the limited number of voting machines, Utah adopted no-excuse early voting. Lieutenant Governor Herbert's office also invested heavily in a voter education campaign. In the first general election since the implementation of final HAVA requirements, Utah experienced minimal complications. The grossest irregularity, a problem with the touch-screen voting machine's card encoder, was confined to Utah County and quickly remedied.<sup>3</sup>

Other states that met HAVA's requirements were not as fortunate as Utah. In Maryland's September primary, voters encountered numerous barriers as they tried to cast their ballots. In some polling locations registration databases failed, voting equipment malfunctioned, precincts ran out of provisional ballots, and voters endured long lines as precinct hours were extended long into the night. As a result of these complications, voters were lost in a maze of errors, especially as some voters had to cast votes on makeshift ballots of plain paper, because the poll workers did not know what to do after they ran out of provisional ballots.<sup>4</sup>

The difference between Utah's and Maryland's voting experiences cannot be explained by HAVA itself because both states complied with the same federal guidelines. The disparity between these experiences could be the product of each state's implementation, but this is also not likely since the two states, both with touch-screen voting machines, provisional ballots, and statewide databases, had much in common. The source of these disparities must lie not in the laws, but in the application of these laws. HAVA, conceived at the federal level and uniquely applied to each state, trickled down to county governments as a fully formed and all-encompassing election reform package. This top-down process required counties to master new election procedures and to train poll workers to operate new equipment, correctly administer provisional ballots, and apply other newly established practices. Perhaps the poll workers bear the heaviest burden of election reform, because they are the ones that apply HAVA on a voter-by-voter basis. Though they received little news coverage before the 2000 election, poll workers now find themselves at the epicenter of post-HAVA election disasters.

In this paper, we discuss the importance of poll workers in applying HAVA. We believe they have a central role in defining the voting experience. Because the election reforms have been most taxing on poll workers, we posit that voters may reasonably judge their post-HAVA voting experience by their interaction with poll workers at their precinct. Employing the voters' judgments of poll workers as a measure of their customer satisfaction, our research investigates what factors lead to a positive rating of poll workers and the voting experience.

### **Poll Workers Shape and Sell the Voting Experience**

The interaction between a citizen and his legislator, Michael Lipsky argues, is not nearly as important as the interaction between the citizen and society's street-level bureaucrats, which includes teachers, police officers, and welfare workers.<sup>5</sup> Lipsky gives them this title because they are the agents who, on behalf of the government, interpret and implement federal, state, and local laws on a daily basis. Common people are more directly affected by the immediate decisions of these makeshift legislators than they are by the official policymakers who pass down the laws. According to Lipsky, the "decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out."<sup>6</sup> These unofficial policies have the potential to profoundly impact the lives of the citizens under the jurisdiction of street-level bureaucrats. Lipsky sets forth that street-level bureaucrats "implicitly mediate aspects of the constitutional relationship of citizens to the state."<sup>7</sup> Scholars have more recently applied Lipsky's title of street-level bureaucrats to election officials. David Kimball and Martha Kropf grant this status of unofficial policymaker to state and local election workers and argue that election administrators play a key role in linking the government to its citizens.<sup>8</sup> They find that experiences that should be similar across precincts—especially under the uniform requirements of HAVA—vary because of differences in state laws, voting technology, size of jurisdictions, diverse populations, and different cultural norms.<sup>9</sup> Kimball and Kropf are especially interested in the electoral differences that are the products of partisan election officials. They conjecture that Democratic election officials are more likely to apply election law in a way that fosters increased voter turnout, while Republicans engage in activities like purging voter lists to reduce turnout.<sup>10</sup> As the process of choosing election officials varies by state, Kimball and Kropf hypothesize that partisanship and political contests can deter fair and even applications of election law. They suggest that public opinion most strongly favors a uniform, nonpartisan method of selecting election officials. Nevertheless, they refrain from endorsing any particular method because they do not agree that nonpartisanship guarantees accountabil-

ity. Instead, they recommend further study of the methods of choosing election officials and the resulting neutrality and accountability of such officials.<sup>11</sup>

Anna Bassi, Rebecca Morton, and Jessica Trounstine are also concerned with the policy-making powers of election officials.<sup>12</sup> Bassi, *et al.* concur with Kimball and Kropf that election officials, as street-level bureaucrats, are positioned to inappropriately grant and deny voting rights. In their discussion of disenfranchisement, Bassi, *et al.* argue that problems arise when states try to apply different laws and administrative systems. This allows room for error in the enforcement of the laws and regulations regarding voting rights for felons. States may even have identical laws but differ in their enforcement of these laws and policies. Bassi, *et al.* show how common this error is by reviewing surveys and interviews with election officials, many of which show that even the election officials fail to properly answer questions about their state's felon disenfranchisement laws.<sup>13</sup> They argue that election monitoring is most important when the election environment is not competitive because such an environment escapes the public scrutiny of a more competitive election. They find that there is significantly less fluctuation within the application of disenfranchisement laws when elections are competitive. Election monitoring is important in the absence of competition to ensure that election workers are applying the laws consistently, especially in the authors' example of felon disenfranchisement. Monitoring and competition limit the subjectivity that election officials invoke when making policy decisions.

Thad Hall, Quin Monson, and Kelly Patterson extend the idea of election officials as street-level bureaucrats to entail poll workers as well. Hall, *et al.* find that poll workers must be street-level bureaucrats because they are the governmental agents that make the final decisions that determine the voters' election experience.<sup>14</sup> That is, after federal, state, and county legislators have made the laws and regulations that decide how elections are to be carried out, poll workers are the ones who implement these laws and actually interact with the voters. Hall, *et al.* state that "poll workers bridge the gap between what the government intends and what the citizen experiences."<sup>15</sup> Since the implementation of HAVA brought about many reforms—and consequently, many new opportunities to exercise personal discretion in administering election law—poll workers are more important than ever. Their most significant finding is that the voters' perception of poll workers affects their confidence in the electoral process. Hall, *et al.* also find that views of poll workers help determine the confidence voters have that their vote will be counted accurately and the overall satisfaction that they feel with the present state of democracy. They derive these conclusions by examining data from the Utah Voter Poll, an Internet survey conducted after the 2004 general

election. They then weighted the results to be consistent with the demographic breakdown of the 2004 Utah Colleges Exit Poll.<sup>16</sup>

We are interested in the conclusion made by Hall, *et al.* that voters who rated their poll worker as excellent are “more likely to express more confidence in the process and more satisfaction with democracy, “because it highlights a weakness in HAVA.”<sup>17</sup> Namely, the many reforms that the legislation imposed on states and counties may have no affect on voter confidence if the poll workers fumble and clumsily apply the reforms. Hall, *et al.* do not, however, address the voter-poll worker relationship. Because they found a significant and consistent relationship between the voters’ assessment of poll workers and voters’ confidence in the electoral system. We hope to expand on their work by highlighting the factors that make voters think more favorably of their poll workers. We want to know what makes voters give their poll workers positive marks because those marks lead to confidence in the system, one of HAVA’s chief aims.

We agree with Hall, *et al.* that poll workers are critical in the voters’ perceptions of the fairness and accuracy of the elections. This theory descends logically from the literature surrounding street-level bureaucracy. Voters reasonably link poll worker performance to the quality of elections because poll workers, as street-level bureaucrats, shape the voting experience. We build upon this causal story that poll worker performance affects voters’ perceptions of elections by suggesting that the marks that voters give their poll workers are actually customer service judgments. That is, we view poll workers not only as street-level bureaucrats, but also as the sales associates responsible for selling the post-HAVA voting experience. A voter who says that poll workers were excellent is pleased with the service provided by her poll workers and can be considered a happy customer while a voter who deems his poll workers’ performance is less than excellent is not a fully satisfied customer. To make sense of these judgments, we turn to business journals and other studies of customer satisfaction.

Thomas O. Jones and W. Earl Sasser, Jr. discuss the concepts of satisfaction and the essential principles of customer service and identify three main factors of good service, including, 1) turning around or fixing negative customer experiences, 2) providing information that makes the product easier to use, and 3) customizing the service to fit each individual’s specific needs.<sup>18</sup> Since these areas of customer satisfaction closely correspond to the voter-poll worker relationship, we are interested in the authors’ distinction between completely satisfied customers and those who are only partially satisfied. Jones and Sasser find that a completely satisfied customer thinks the product fits their needs exactly and the customer service exceeds their expectations. On the other hand, customers who say they

are only satisfied with the services they receive are quite different than the completely satisfied customer in that they view the product as reasonably good, but find that one or several aspects of the company’s service did not meet expectations. The authors reason that these customers refrain from selecting a lower level of satisfaction because they feel some level of sympathy towards the company and its lackluster service.<sup>19</sup> Given this distinction, we hope to explain the difference in customer service between voters who said their poll workers were excellent and those who said their poll workers were less than excellent.

In their research on customer satisfaction, Christian Homburg, Nicole Koschate, and Wayne Hoyer discuss the weight consumers give to these two methods in their final determination of satisfaction.<sup>20</sup> By studying students’ responses to a new CD-ROM study guide, they show that when first exposed to a new product, though the students express their views in cognitive terms, the emotional response has a more significant effect on their assessment. However, over time the weight of affect decreases because consumers gain more information about the product and thus make increasingly educated and cognitive judgments.<sup>21</sup> We find their conclusions very applicable to our study of Utah voters’ judgments of poll workers because the product, or experience that voters had with their poll workers in the 2006 election, was unlike any previous election that they have participated in. Adopting this dynamic model of customer satisfaction we seek to measure the importance of affect, or emotional response, in the job performance ratings that voters assign their poll workers.

### Data and Methodology

It is certainly true that the 2006 voting experience was unlike any previous election. There was such wide consensus on this matter that the 2006 Utah Colleges Exit Poll dedicated an entire questionnaire to measure the voter experience in this first round of elections since Utah fully complied with HAVA’s many requirements. Every fifth voter selected to participate in the poll received this specialized questionnaire that asked about voter check-in, the voter’s experience with the new touch screen machines, and their interaction with poll workers. Most important to our study, this questionnaire included a replicate of the question that Hall, *et al.* asked participants in the Utah Voter Poll about the poll workers. It reads:

- *Please rate the job performance of the poll workers at your precinct today. Excellent, Good, Fair, or Poor*

This question, which served as the chief independent variable in the Hall, *et al.* paper, serves as our dependent variable. We view the voters’ responses to this question as a measure of their satisfaction with the new product, the voting experience as presented to the voters by their poll workers. This question is consistent with

customer satisfaction studies and is a generally accepted measure of satisfaction.<sup>22</sup>

In accordance with the Homburg, *et al.* model of dynamic customer satisfaction, we hypothesize that because the 2006 election cycle was the first since HAVA's full implementation, voters will rely heavily on their emotional responses when evaluating their poll workers. We consider the 2006 voting experience to be a new product, since the voters lack prior experience necessary to provide a cognitive evaluation of customer satisfaction, we expect that affect will play a greater role in the voters' level of customer satisfaction.

We draw measures of customer satisfaction and voter affect from the election-day exit poll data. We made some slight adjustments to the survey question above in order to simplify the analysis of customer satisfaction. More specifically, we collapsed the four-point scale of poll worker job performance into a dichotomous variable. Consistent with the findings of Thomas Jones and W. Earl Sasser, we grouped the voters who said their poll workers were good with the respondents who called their poll workers fair or poor. Given Jones and Sasser's findings about customers who said they were merely satisfied instead of completely satisfied, we feel that voters who called their poll workers good were more like the voters who said the poll workers were fair or poor than those who afforded their poll workers excellent marks.

We derive our chief independent variable, our measure of affect, from the question about the voter-poll worker relationship. Though we originally wanted to ask a short series of questions to unravel this relationship, space limitations required us to concentrate our measure of the relationship in a single question. We modified a question that the Utah Colleges Exit Poll asked in the June primary so it would speak only to personal relationships between voters and poll workers. The November questionnaire asked:

- *Did you personally know any of the poll workers at your precinct today? Yes or no*

By removing the June language about recognizing a poll worker and by underlining the words *personally know*, we hoped to filter out the respondents who did not have a strong enough relationship with the poll worker to merit any affective consideration of that poll worker's job performance.

Using the two questions above as our primary independent and dependent variables, we employ a logistic regression model. We include other independent variables that we believe might affect voters' perceptions of poll workers. The first voter satisfaction control variable is a dichotomous measure of whether or not the poll workers asked the voter to present identification before voting. Utah law has minimal ID requirements, such that a

majority of regular in-person voters would not be required to show ID. We do not know what effect this voter-poll worker interaction will have on customer satisfaction, but we feel that it is important to include this variable as a control because the identification process is the voter's initial encounter with poll workers.

We also include a question of whether voters asked for help. Because we are trying to measure how the voter perceives the poll workers' performance, it seems necessary to differentiate between the voters who sought out customer service and those who were more passive. Since most of the people that asked for help also said they got the help they requested, we anticipate that voters who asked for help will be more likely to positively assess their poll workers.

Our next set of variables comes from a matrix of questions on the voter satisfaction survey. The questionnaire asked voters to indicate how strongly they agreed or disagreed with statements about the voting machine instructions, the ease of machine use, the time required to vote, and the privacy they felt while voting. We include these questions to control for voters who gave their poll workers bad marks because they had a generally poor experience at the polls.

Homburg, *et al.* said that affect is important when a product is new, but cognitive assessments of the service and product are always important. There is not a perfect measure of cognition on the voter satisfaction survey, but we control for a series of questions that asked voters to make cognitive judgments about specific aspects of their interaction with the poll workers. This series asks voters to agree or disagree with statements like the poll workers knew what they were doing, the poll workers were helpful and respectful, and the poll workers knew how to operate the voting machines. Because all of these statements are positive views of the poll workers, we collapsed the set into an index with a minimum value of zero, when the voter strongly disagrees with all four statements, and a maximum value of one, when the voter strongly agrees with all four statements. We expect that voters who gave their poll workers high marks on these statements will be more likely to call their poll workers' general performance excellent. Still, we expect that the affect associated with a personal relationship will remain significant when we control for this cognition.

As a final control, we include a series of demographic questions that we believe are relevant to voters' opinions of poll workers. We include dummy variables for partisanship: democrats are the baseline while republicans and independents are explicitly named in the model. We also added a measure of religion. Our model has dummy variables for active Latter-day Saints, inactive Latter-day Saints, active members of other religions, and inactive members of other religions. This leaves the nonreligious

voters as our baseline in the religion analysis. We include a recoded gender variable that sets females as our base group. We also control for age and education level. Our measure of age is derived from each respondent's self-reported year of birth. We maintain the intervals and direction of the six-point education scale, but subtract one from each value so that voters with only an eighth grade education or less, our reference group, receive a value of zero.

We include in Appendix 1 the question wording for each of our variables as stated on the Utah Colleges Exit Poll questionnaire, and Appendix 2 contains summary statistics of each of these variables.

**Data Analysis**

Before examining the complexities of our logistic regression model, we offer some simple statements about our variables and the interactions between them. In general, most voters had very favorable views of their poll workers. Almost 80 percent of election-day voters said the poll workers at their precinct did an excellent job. A vast majority of the dissenters said their workers did a good job and the remaining 1.6 percent of respondents said their poll workers did a fair or poor job. A crosstab with our chief independent variable reveals the following:

Know Poll Workers at Your Precinct			
		Yes	No
Less than excellent		12.2%	27.3%
Excellent		87.8%	72.7%
Total	N	716	884

That is, the 44.6 percent of voters who said they personally knew their poll workers were more likely to say their poll workers did an excellent job. The table above shows a 15 percentage point jump in rating poll workers as excellent when the voter personally knows a poll worker at the precinct. This is the relationship we hope to learn more about in our logistic regression model.

Evaluating the model as a whole, there are some very important findings with regard to the voter-poll worker relationship. Though the model highlights some counterintuitive relationships, which we discuss at length below, it accurately predicts about 80 percent of the cases. Our full logit model has a Cox and Snell R-square of .129 and a Nagelkerke R-square of .207, which means our model explains somewhere between 13 percent and 20 percent of the variance in the voters' assessments of poll workers. (The model produces the results shown in the next chart.)

We see that the three variables that we predicted to have a positive effect on voters' assessment of poll workers—the measures of personal relationship, the index, and the measure of whether the voter asked for help—all have the anticipated effect. Furthermore, these

	LOGIT COEFFICIENT	STANDARD ERROR	SIGNIFICANCE
I personally knew a poll worker	0.833	0.184	0.000
Index of cognitive judgments	2.473	0.336	0.000
Voter asked for help with machine	0.858	0.261	0.001
Poll worker asked to see ID	0.340	0.247	0.168
Instructions for machine were confusing	-0.029	0.089	0.747
Machines were easy to use	-0.186	0.094	0.049
Too much time to vote	-0.274	0.095	0.004
I felt like I voted in privacy	0.007	0.063	0.915
Active Latter-day Saint	0.103	0.292	0.725
Inactive Latter-day Saint	-0.538	0.402	0.180
Active in other religion	-0.429	0.370	0.246
Inactive in other religion	-0.925	0.466	0.047
Republican	-0.223	0.237	0.346
Independent	-0.696	0.317	0.028
Age	0.017	0.006	0.004
Gender (male=1, female=0)	-0.067	0.170	0.693
Educational attainment	0.219	0.089	0.013
Constant	-1.667	0.603	0.006

Note: Dependent variable: poll working rating.

three variables are each statistically significant at the 99 percent confidence level. That means that knowing a poll worker at your precinct, asking for help, and agreeing with a series of positive statements about the poll workers leads to an excellent rating of poll workers. Voters who were asked to present ID were also more likely to say their poll workers were excellent, but this relationship is only significant at the 80 percent confidence level.

When all factors are held at their mean values, the predicted probability of rating the poll workers as excellent is an impressive .85. If all other factors are maintained at their mean values, but the voter does not know any of the poll workers at the precinct, the predicted probability falls to .79. However, if the voter knows a poll worker at the precinct and all other factors are at their mean value, the predicted probability of calling the poll workers excellent increases to .89—a sizable jump. This probability further climbs to .97 when the voter knows the poll worker, gives their workers the highest marks on the cognitive index, asks for help, and presents ID to the poll worker. When these four variables are held at zero, the model predicts that the probability of rating the poll workers as excellent plummets to .24. Nevertheless, this last estimate seems to be too conservative because fifteen of the sixteen voters in the sample who actually received a zero value for each of these variables still said their poll workers did an excellent job. This highlights how our model does a better job at predicting excellent ratings—we accurately predict about 96 percent of cases where voters say poll workers were

excellent—than the less than excellent ratings, which our model accurately predicts only 13 percent of the time.

Other findings from the logistic regression show that voters who said the instructions for using the machines were confusing and voters that said it took too much time to vote are less likely to say their poll workers were excellent. This is a likely story because these voters could reasonably attribute some of their confusion and long time spent at the polls to poll worker inefficiency. We note that while the first variable lacks significance at any standard level, the second is statistically significant beyond the 99 percent level. Voters who agreed that they felt like they voted in privacy were also more likely to say the poll workers did an excellent job, but this finding is called into question by its very low significance level.

The final question in this series of control variables yields a statistically significant but counterintuitive result. There is a strange negative relationship that exists when voters agree that the voting machines were easy to use. Voters are for some reason less likely to call their poll workers excellent. We thought that this relationship might be negative because voters who had no trouble with the machines probably did not ask for help and therefore had less interaction with the poll workers; however, this explanation fails because our model already controls for whether or not the voter asked for help. We modified our model several times—omitting or adding different variables each time—but this negative relationship remained.

The demographic controls also have strange relationships. An increase in age or education level makes a voter more likely to deem the poll workers' performance as excellent. These relationships are both highly, statistically significant. However, males seem to be less willing than women to call their poll workers excellent and only active Latter-day Saints are more likely than voters with no religious preference to call their poll workers excellent. The most peculiar finding in the demographic controls is that republicans and independents were less likely than democrats to call their poll workers excellent. Though only the relationship of independents was statistically significant, we were surprised to find that democrats, a longtime minority in Utah, would be more likely than independents or republicans to call poll workers excellent because virtually all of the elections in Utah are managed by republican county governments.

### Discussion

In order to account for the strange relationship of partisan identification on the voters' perception of poll workers, and in an effort to show a positive relationship between ease of using the voting machines and the perceived poll worker performance, we tested the correlation of all of the variables in the model. A full table of these correlations is included in Appendix 3. We suspected that identifying as a republican might correlate very

strongly with being an active Latter-day Saint; however, this relationship—the strongest in our model—has less than a .50 correlation. Therefore, we feel confident that controlling for partisanship and religious identification does not introduce multicollinearity into the model.

We found some profound irregularities in the series of questions pertaining to specific aspects of poll worker performance: a significant number of voters who strongly disagreed with the positive statements about poll workers surprisingly said that their poll workers did an excellent job. We performed crosstabs of these agree/disagree statements with many other questions on the voter satisfaction survey. We found that voters who strongly disagreed with the questions in the poll worker matrix were most similar to the respondents who strongly agreed with the same statements. From these findings, we are inclined to say that the matrix of specific poll worker judgments has greater error than the stand-alone job performance question because the respondents had response set problems. It may be that many respondents did not read the instructions for the matrix closely and as a result marked the extreme responses that they assumed to be positive when they were in fact choosing the most negative options. To mitigate some of this error and to simplify our analysis we collapsed this matrix into a single index. Voters who strongly agreed with all four statements received a value of one, those who strongly disagreed with all statements were coded as a zero, and voters who gave mixed responses accordingly received some value between zero and one.

We were also concerned that our model might have endogeneity, because we use an index of specific poll worker judgments to explain whether voters think overall poll worker performance is excellent. The correlation between the poll worker index and the voters' judgment of overall job performance is indeed statistically significant at .01 level, but the Pearson Correlation measure is less than .20. Removing the poll worker index from the logistic regression model slightly diminishes the R-square, but it also reverses the signs of the republican dummy variable and the dummy variable for active Latter-day Saints. Since these newly reversed relationships still fail to reach standard thresholds of statistical significance, we think the cost of losing this information in our analysis outweighs the benefit of reversing the partisan effect.

In order to more clearly explain the voter-poll worker relationship, we recommend that future researchers make use of additional measures of affect. We also recommend that future surveys break down the statements about specific aspects of poll worker performance into stand-alone questions or otherwise improve the matrix format by alternating the direction of the statements. We predict that either improvement would decrease response set issues with that matrix.

## Conclusion

The final implementation of HAVA has delegated new and diverse responsibilities to poll workers. Surely the reforms have been taxing on Utah's poll workers, an older group—with a median age of fifty-nine. Less than 50 percent of Utah's poll workers say they are very comfortable using computers. As street-level bureaucrats, this group had to adapt to new policies by mastering new voting equipment procedures, applying provisional ballot laws, and implementing new state procedures for verifying voter identification. Overall, voters gave their poll workers high marks. Hall, *et al.* previously established that such perceptions of poll workers increased the confidence and satisfaction that voters feel in the electoral process. Building on their research, we have highlighted that these perceptions of poll workers are actually customer satisfaction measures of the new voting experience. Since this experience is a new product, customer satisfaction literature has suggested that affect is a highly significant determinant of initial customer satisfaction. Our analysis of data from the 2006 Utah Colleges Exit Poll confirms that affect has a large effect on the ratings voters assign to their poll workers. According to our logistic regression model, the impact of personally knowing at least one poll worker at the precinct raises the predicted probability of rating the poll workers as excellent by .10.

As Congress adjourns for the year, there has been some discussion of modifying HAVA. Nevertheless, it is unlikely that Utah will have to make drastic changes to the electoral process in the coming years. Assuming that the election process remains largely the same, the dynamic model of customer satisfaction suggests that the effect of affect will decrease as voters become accustomed to the post-HAVA experience. We recommend that social scientists continue to study the role of affect and cognition in voter satisfaction. As the importance of affect declines, we expect that voters will increasingly ground their judgments of poll workers on cognitive evaluations. In order for poll workers to maintain the high marks that Hall, *et al.* say are important for high voter confidence and satisfaction in the electoral process, poll workers will have to exhibit higher competence. We recommend that election officials recruit qualified poll workers, offer thorough training, and provide incentives for poll workers to volunteer in subsequent elections so that counties can fill their precincts with qualified workers.

**Appendix 1**

**[B] Were you asked to present any identification before voting?**

1. Yes, and the election official accepted my identification
2. Yes, but the election official rejected my identification
3. No, I was not asked to present any form of identification

**[F] Did you ask for help using the touch screen voting system?**

1. Yes, and I got help
2. Yes, but I did not get help
3. No, I did not ask for help

**[H] To what extent do you agree or disagree with the following statements regarding your voting experience? Please circle one number per line.**

	Strongly Disagree ▼				Strongly Agree ▼
	1	2	3	4	5
a. The instructions for using the voting machines were confusing	1	2	3	4	5
b. The touch screen voting machines were easy to use	1	2	3	4	5
c. It took too much time to vote	1	2	3	4	5
d. I felt like i voted in privacy	1	2	3	4	5

- a. The instructions for using the voting machines were confusing
- b. The touch screen voting machines were easy to use
- c. It took too much time to vote
- d. I felt like i voted in privacy

**[P] Please rate the job performance of the poll workers at your precinct today:**

1. Excellent
2. Good
3. Fair
4. Poor

**[Q] Do you agree or disagree with the following statements regarding the poll workers at your precinct? Please circle one number per line.**

	Strongly Disagree ▼				Strongly Agree ▼
	1	2	3	4	5
a. The poll workers knew what they were doing	1	2	3	4	5
b. The poll workers were helpful	1	2	3	4	5
c. The poll workers treated me with respect	1	2	3	4	5
d. The poll workers knew how to operate the voting machines	1	2	3	4	5

- a. The poll workers knew what they were doing
- b. The poll workers were helpful
- c. The poll workers treated me with respect
- d. The poll workers knew how to operate the voting machines

**[R] Did you personally know any of the poll workers at your precinct today?**

1. Yes
2. No

**[V] What year were you born?**

19\_\_

**[W] Are you?**

1. Male
2. Female

**[X] Generally speaking, do you consider yourself to be a(n):**

1. Strong Democrat
2. Not so strong Democrat
3. Independent leaning Democrat
4. Independent
5. Independent leaning Republican
6. Not so strong Republican
7. Strong Republican
8. Other
9. Don't know

**[Z] What was the last year of school you completed?**

1. Eighth grade or less
2. Some high school

3. High school graduate
4. Some college
5. College graduate
6. Post-graduate

**[AA] What, if any, is your religious preference?**

1. Protestant
2. Catholic
3. LDS / Mormon
4. Jewish
5. Other
6. No preference / No religious affiliation
7. Prefer not to say

**[BB] How active do you consider yourself in the practice of your religious preference?**

1. Very active
2. Somewhat active
3. Not very active
4. Not active
5. Does not apply/Prefer not to say

Appendix 2

Variable	Mean	Minimum	Maximum	Median	Std. Dev.	Mode
Rate the performance of the poll workers (1=excellent, 0=less than excellent)	0.794	0	1	1	0.405	1
Personally knew a poll worker at the precinct (1=yes, 0=no)	0.446	0	1	0	0.497	0
Respondent's gender (1=male, 0=female)	0.473	0	1	0	0.499	0
Whether voter asked for help						
Asked for and received help	0.208	0	1	0	0.406	0
Asked for, but did not receive help	0.004	0	1	0	0.063	0
Agree that instructions for voting machine were confusing*	0.514	0	4	0	1.049	0
Agree that the voting machines were easy to use*	3.454	0	4	4	1.158	4
Agree that it took too much time to vote*	0.422	0	4	0	0.964	0
Agree that voted in privacy*	2.861	0	4	4	1.380	4
Index of poll worker judgments	0.899	0	1	1	0.222	1
Education level*	3.517	0	5	3	1.002	3
Religion						
Active LDS	0.710	0	1	1	0.454	1
Non-active LDS	0.063	0	1	0	0.244	0
Active other religion	0.071	0	1	0	0.256	0
Non-active other religion	0.033	0	1	0	0.178	0
Partisanship						
Republican	0.633	0	1	1	0.482	1
Independent	0.093	0	1	0	0.290	0

\* Variable labels and response order are taken from the exit poll, but each value has been reduced by one so that the base of the variable is zero instead of one.

Appendix 3

Correlations

expoll	Pearson Correlation	1	.093**	-.046	-.033	-.032	.088**	-.047	.098**	-.064*	.062*	.042	.101**	-.049	.024	-.092**	.090**	.277**	.187**
	Sig. (2-tailed)		.000	.081	.215	.228	.001	.068	.000	.011	.013	.090	.000	.058	.343	.000	.001	.000	.000
	N	1673	1449	1449	1449	1449	1491	1491	1574	1578	1598	1649	1574	1503	1539	1494	1502	1518	1600
actlds	Pearson Correlation	.093**	1	-.407**	-.431**	-.288**	.476**	-.020	-.041**	-.037*	.068**	-.027	-.010	-.041	-.010	-.003	.006	.018	.314**
	Sig. (2-tailed)	.000		.000	.000	.000	.000	.190	.007	.014	.000	.307	.705	.140	.707	.904	.827	.509	.000
	N	1449	4410	4410	4410	4410	4148	4148	4352	4342	4397	1433	1367	1309	1345	1302	1308	1401	1471
nactlds	Pearson Correlation	-.046	-.407**	1	-.072**	-.048**	-.125**	.016	.070**	.069**	-.133**	.031	.038	.034	-.002	.037	.012	.025	-.064*
	Sig. (2-tailed)	.081	.000		.000	.001	.000	.305	.000	.000	.000	.246	.164	.222	.936	.186	.667	.357	.015
	N	1449	4410	4410	4410	4410	4148	4148	4352	4342	4397	1433	1367	1309	1345	1302	1308	1401	1471
actother	Pearson Correlation	-.033	-.431**	-.072**	1	-.051**	-.143**	.005	.079**	-.056**	-.038*	.000	.041	.052	-.012	.026	-.013	-.025	-.140**
	Sig. (2-tailed)	.215	.000	.000		.001	.000	.724	.000	.000	.012	.997	.125	.062	.648	.354	.649	.344	.000
	N	1449	4410	4410	4410	4148	4148	4352	4342	4397	1433	1367	1309	1345	1302	1308	1401	1471	
nactother	Pearson Correlation	-.032	-.288**	-.048**	-.051**	1	-.126**	-.019	.025	.029	-.002	.063*	.025	-.007	-.033	-.029	.013	.026	-.097**
	Sig. (2-tailed)	.228	.000	.001	.001		.000	.232	.093	.056	.872	.017	.351	.789	.232	.292	.647	.331	.000
	N	1449	4410	4410	4410	4410	4148	4148	4352	4342	4397	1433	1367	1309	1345	1302	1308	1401	1471
republican	Pearson Correlation	.088**	.476**	-.125**	-.143**	-.126**	1	-.420**	-.018	-.007	-.010	.001	.005	-.069*	.014	-.020	.071**	.080**	.222**
	Sig. (2-tailed)	.001	.000	.000	.000	.000		.000	.225	.645	.487	.955	.840	.011	.594	.473	.009	.002	.000
	N	1491	4148	4148	4148	4148	4583	4583	4514	4516	4564	1475	1408	1348	1385	1342	1347	1442	1518
independent	Pearson Correlation	-.047	-.020	.016	.005	-.019	-.420**	1	-.003	.055**	-.021	.005	-.048	.011	.018	.056*	-.054*	-.020	-.036
	Sig. (2-tailed)	.068	.190	.305	.724	.232	.000		.826	.000	.149	.846	.071	.680	.496	.040	.047	.451	.161
	N	1491	4148	4148	4148	4148	4583	4583	4514	4516	4564	1475	1408	1348	1385	1342	1347	1442	1518
age	Pearson Correlation	.098**	-.041**	.070**	.079**	.025	-.018	-.003	1	-.002	.011	.008	.157**	.140**	-.149**	.071**	.063*	.021	.196**
	Sig. (2-tailed)	.000	.007	.000	.000	.093	.225	.826		.880	.429	.762	.000	.000	.000	.007	.017	.406	.000
	N	1574	4352	4352	4352	4352	4514	4514	4824	4783	4806	1561	1486	1427	1464	1420	1428	1523	1604
male	Pearson Correlation	-.064*	-.037*	.069**	-.056**	.029	-.007	.055**	-.002	1	.106**	.137**	-.106**	.040	-.004	.051	.004	-.062*	-.063*
	Sig. (2-tailed)	.011	.014	.000	.000	.056	.645	.000	.880		.000	.000	.000	.126	.886	.056	.866	.016	.012
	N	1578	4342	4342	4342	4342	4516	4516	4783	4830	4809	1564	1489	1428	1463	1421	1427	1525	1608
educ2	Pearson Correlation	.062*	.068**	-.133**	-.038*	-.002	-.010	-.021	.011	-.106**	1	.010	-.096**	-.096**	.034	-.024	.035	-.028	-.021
	Sig. (2-tailed)	.013	.000	.000	.012	.872	.487	.149	.429	.000		.682	.000	.000	.194	.361	.180	.266	.399
	N	1598	4397	4397	4397	4397	4564	4806	4809	4889	1584	1509	1446	1446	1482	1439	1446	1543	1626
idask	Pearson Correlation	.042	-.027	.031	.000	.063*	.001	.005	.008	.137**	.010	1	.063*	.047	-.021	.044	.043	.007	-.032
	Sig. (2-tailed)	.090	.307	.246	.997	.017	.955	.846	.762	.000	.682		.012	.071	.419	.092	.093	.798	.207
	N	1649	1433	1433	1433	1433	1475	1475	1561	1564	1584	1668	1571	1499	1535	1489	1496	1509	1588
askhelp	Pearson Correlation	.101**	-.010	.038	.041	.025	.005	-.048	.157**	-.106**	-.096**	.063*	1	.106**	-.095**	.092**	-.014	.060*	.096**
	Sig. (2-tailed)	.000	.705	.164	.125	.351	.840	.071	.000	.000	.000	.012		.000	.000	.000	.591	.022	.000
	N	1574	1367	1367	1367	1367	1408	1408	1486	1489	1509	1571	1589	1514	1549	1503	1512	1458	1514
vmconfus2	Pearson Correlation	-.049	-.041	.034	.052	-.007	-.069*	.011	.140**	.040	-.096**	.047	.106**	1	-.161**	.308**	-.079**	-.050	.020
	Sig. (2-tailed)	.058	.140	.222	.062	.789	.011	.880	.000	.126	.000	.071	.000		.000	.000	.002	.061	.444
	N	1503	1309	1309	1309	1309	1348	1348	1427	1428	1446	1499	1514	1515	1508	1500	1501	1405	1449
vmeasy2	Pearson Correlation	.024	-.010	-.002	-.012	-.033	.014	.018	-.149**	-.004	.034	-.021	-.095**	-.161**	1	-.348**	.302**	.192**	-.035
	Sig. (2-tailed)	.343	.707	.936	.648	.232	.594	.496	.000	.886	.194	.419	.000	.000		.000	.000	.000	.183
	N	1539	1345	1345	1345	1345	1385	1385	1464	1463	1482	1535	1549	1508	1551	1501	1508	1433	1484
vmtime2	Pearson Correlation	-.092**	-.003	.037	.026	-.029	-.020	.056**	.071**	.051	-.024	.044	.092**	.308**	-.348**	1	-.179**	-.150**	.016
	Sig. (2-tailed)	.000	.904	.186	.354	.292	.473	.040	.007	.056	.361	.092	.000	.000		.000	.000	.000	.536
	N	1494	1302	1302	1302	1302	1342	1342	1420	1421	1439	1489	1503	1500	1501	1505	1499	1396	1441
vmpriv2	Pearson Correlation	.090**	.006	.012	-.013	.013	.071**	-.054*	.063*	.004	.035	.043	-.014	-.079**	.302**	-.179**	1	.188**	.009
	Sig. (2-tailed)	.001	.827	.667	.649	.647	.009	.047	.017	.866	.180	.093	.591	.002	.000	.000		.000	.718
	N	1502	1308	1308	1308	1308	1347	1347	1428	1427	1446	1496	1512	1501	1508	1499	1512	1403	1448
polldex1	Pearson Correlation	.277**	.018	.025	-.025	.026	.080**	-.020	.021	-.062*	-.028	.007	.060*	-.050	.192**	-.150**	.188**	1	.119**
	Sig. (2-tailed)	.000	.509	.357	.344	.331	.002	.451	.406	.016	.266	.798	.022	.061	.000	.000	.000		.000
	N	1518	1401	1401	1401	1401	1442	1442	1523	1525	1543	1509	1458	1405	1433	1396	1403	1552	1546
polknow2	Pearson Correlation	.187**	.314**	-.064*	-.140**	-.097**	.222**	-.036	.196**	-.063*	-.021	-.032	.096**	.020	-.035	.016	.009	.119**	1
	Sig. (2-tailed)	.000	.000	.015	.000	.000	.000	.161	.000	.012	.399	.207	.000	.444	.183	.536	.718	.000	
	N	1600	1471	1471	1471	1471	1518	1518	1604	1608	1626	1588	1514	1449	1484	1441	1448	1546	1637

\*\* . Correlation is significant at the 0.01 level (2-tailed).

\* . Correlation is significant at the 0.05 level (2-tailed).



# Why Democracies Still Have Corruption: A Quantitative Analysis Integrating Three Theoretical Frameworks

*Richard I. Vigil*

Corruption corrodes democracy, decaying institutions in every country regardless of regime type. When politicians misuse public office for private gain, the government loses legitimacy and accountability.<sup>1</sup> Corrupt public officials lead to inefficient and ineffective government, causing citizens to distrust elected officials. Democratic leaders come to power through elections, but corruption sabotages electoral campaigns with illegal money. Corruption undermines and erodes two central norms of democracy: equality and openness.<sup>2</sup> Certain individuals benefit at the expense of society, and “The rights and protections citizens should be able to enjoy become favors, to be repaid in kind.”<sup>3</sup> Most scholars now accept that corruption poses a problem for many governments, and early studies have shown that corruption can injure a state’s opportunity for economic growth.<sup>4</sup> High levels of corruption discourage foreign investment in a country, reducing economic development.<sup>5</sup> Widespread corruption also ties up funds that could otherwise be available for economic growth. In addition, corruption preserves and can even increase inequalities in the distribution of income.<sup>6</sup>

States are now searching for answers to corruption. In fact, “[m]otivated by a desire to help reformers curb corruption, social scientists have tried for the last thirty years to understand its causes and provide guides for its control.”<sup>7</sup> By examining the causes of corruption in today’s governments, policymakers will be prepared to combat and correct the problems that stem from corruption. Revealing the causes for corruption will help countries eliminate and prevent its effects. Understanding why corruption occurs and why it occurs in some countries more often than others will serve as the first step towards legitimizing democracy.

Using a cross-national analysis, I identify the causes of corruption in today’s societies. Previous attempts at explaining corruption cross-nationally have only tested a few theories and relied on a limited dataset, usually examining corruption through one theoretical framework and testing their theories on fewer than one hundred countries. In this study, I examine 142 countries to increase explanatory power and make my findings more generalized. I also tested how each comparative theoretical framework—rational choice, cultural, and structural—affected corruption. Testing each approach allowed me to determine which factors matter the most in explaining and preventing corruption.

I will demonstrate that countries with a free press, greater economic development, and high levels of Protestantism experience lower levels of corruption. In order to demonstrate this, I first show that the level of democracy cannot by itself explain the variation in the levels of corruption countries experience. Next, I examine different theories to look for potential explanations for corruption. Then, I operationalize the various variables and test their strength in an OLS regression. Finally, I state my findings and conclusions along with any implications that the data provides.

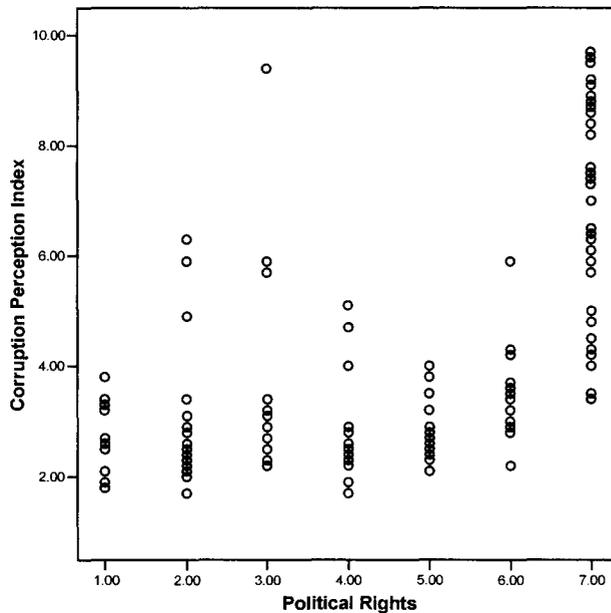
## **A Failure of Democracy**

Democracies claim to have many benefits in both the political and economical realms. Many scholars have argued that democracy prevents and mitigates the effects and incidences of corruption.<sup>8</sup> In a study of the challenges that corruption causes for democratic governance and market economics, Wayne Sandholtz and William Koetzle find that “those countries seen as least corrupt are those nations that are known to be democratic” and “the countries viewed as most corrupt are those traditionally seen as

authoritarian.”<sup>9</sup> Furthermore, Mark Warren,<sup>10</sup> studying what corruption means in a democracy, concludes his paper claiming that becoming more democratic will likely cure the negative effects of corruption.

At first glance, corruption appears to correlate to the regime type or the level of democracy. Using Freedom House’s Political Rights score as a measure of democracy and Transparency International’s Corruption Perception Index (CPI), Figure 1 illustrates the negative relationship between the level of democracy and the perception of corruption. As the level of democracy improves, the perceived level of corruption diminishes and the less democratic states, or autocracies (score below four on democracy), suffer from more corruption. In fact, thirty-five out of the thirty-eight autocratic countries scored below four on the CPI, and Chad had the lowest score at 1.7. Only Oman (6.3), Qatar (5.9), and Tunisia (4.9) scored above a four. Conversely, the more democratic states enjoy less corruption. Iceland has the highest score at 9.7 with the other Scandinavian countries not far behind.

Figure 1: Democracy versus Corruption



Three democratic principles can affect corruption: participation, competition, and accountability.<sup>11</sup> A democratic regime allows everyone in society to participate in the governing process by allowing all to pursue political power and vote. Similarly, democracy promotes competition between candidates in legitimate elections that are free, fair, and regular. Also, democracy promotes transparency and legitimacy to ensure that the public can hold officials accountable; ensuring, “Political rulers and elected representatives serve as ‘agents’ of their constituencies and must justify their actions and decisions in order to remain in office.”<sup>12</sup>

Underneath these three broad principles, two key dimensions—elections and rights—explain how democratic principles reduce and prevent corruption.<sup>13</sup> Elections increase accountability and allow voters to punish corrupt officials.<sup>14</sup> As already mentioned, democracy ensures that adult citizens have the right to vote and that politicians will genuinely compete for office. Politicians must win by the mandate of the popular vote. In principal, elected officials derive their power from the public and are accountable to their needs.<sup>15</sup> Elected officials cultivate trust from their constituents and other politicians by fulfilling campaign promises through honest and effective means; they avoid corruption to please the voters. Likewise, competitors for office have an incentive to discover and publicize an incumbent’s corrupt behavior.<sup>16</sup> Democratic elections also provide citizens the power to remove corrupt politicians more easily.<sup>17</sup> Corrupt activities can impose large costs on society, and the wallets of constituents.<sup>18</sup> These costs will annoy voters, and after repeated negative exposure, the public will punish public officials. Once identified as corrupt, officials may be removed from office, lose the next election, and face prosecution. The participatory processes of democracy encourage integrity in politicians and increase the costs of corruption. In contrast, authoritarian regimes have free reign unless restrained by democratic institutions, and authoritative rulers face few checks on their power.

Finally, citizens in a democracy enjoy more rights that are better protected. Democracies establish institutions such as the judiciary and a police force to ensure the protection of individual property rights. These institutions limit the ways a public official may engage in corruption by increasing transparency, and the likelihood of punishment. Effective institutions protect the personal rights of individuals against abuses from the state. Furthermore, democracy grants society basic freedoms: assembly, speech, press, etc. These rights “allow people and groups to uncover information, ask questions, demand inquires, and publicize their discoveries.”<sup>19</sup> Media may freely investigate, witnesses may openly testify, and corrupt politicians will theoretically be caught.

But despite these prescribed remedies, corruption still occurs in many democracies. Figure 1 reveals that corruption does not disappear and barely decreases as democracy increases. In fact, Figure 1 shows a substantial range in the frequency of perceived corruption, even among the most democratic nations (score of seven for democracy). Arguably, these countries represent the strongest democracies in the world and should enjoy the most from its benefits. However, the levels of corruption range from 9.7 in Iceland to 3.4 in Poland, which has more corruption than some authoritarian nations. Indeed, more than a third (34.15 percent) of the most democratic nations are below the median level of perceived corruption. Authoritarian countries may suffer the most from corruption, but high levels of corruption still exist in democratic regimes.

A bivariate regression reveals the weakness of this perceived relationship. I checked for statistical and substantive significance using a test of correlation; the results are displayed in Table 1. My results are highly statistically significant, with a  $p$ -value of .000. However, the  $r$ -squared reveals that the level of democracy in a state only explains 32.83 percent of its level of perceived corruption.

**Table 1: Correlations between Democracy and Corruption**

		CORRUPTION PERCEPTION INDEX	POLITICAL RIGHTS
<b>Corruption Perception Index</b>	Pearson Correlation	1	.573(**)
	Sig. (2-tailed)		.000
	N	142	142
<b>Political Rights</b>	Pearson Correlation	.573(**)	1
	Sig. (2-tailed)	.000	
	N	142	142

\*\* Correlation is significant at the 0.01 level (2-tailed).

What causes high levels of corruption to occur in democratic regimes? How did some of the most democratic countries almost eliminate corruption while others suffer with high levels? I will attempt to answer these questions in the following sections.

### Explaining Corruption

Following the suggestion of Lichbach and Zuckerman, I will use three theoretical approaches to explain corruption: rational choice, cultural, and structural.<sup>20</sup> Rational choice theories look at the costs and benefits for an individual to use corruption based on the incentives within a society. Cultural theories focus on the societal values and norms that guide human behavior. And structural theories examine how societal factors understood in a specific historical context combine to create or restrict opportunities for corrupt behavior.

#### *Rational Choice*

Rational choice theories use an individual level of analysis to focus on the behavior and actions of human beings themselves. They assume that individuals make rational decisions and seek to maximize self-interest.<sup>21</sup> Individuals have preferences, and a rational agent always chooses the preferred outcome over a less preferential outcome. The rational choice framework claims that when the gains from corrupt behavior outweigh the costs, politicians will use corruption. On the other hand, when the risk of exposure and possible punishments exceed the anticipated benefits, public officials will not engage in corrupt behavior.

The principal-agent theory represents one of the leading theories used by rational choice theorists to explain corruption. Citizens, the principal, empower politicians, the agents, to achieve certain tasks for the public

benefit.<sup>22</sup> However, in this delegation of power, agents may abuse the relationship because of two problems: hidden information and hidden action.<sup>23</sup> Citizens do not have all of the information available to politicians, and they cannot feasibly scrutinize the behavior of every public official. Under these circumstances, agents have the incentive and opportunity to engage in corrupt behavior and maximize their private gain. To remedy this adverse relationship, society needs to make politicians accountable to citizens and make politicians' actions more transparent.<sup>24</sup> Monitoring provides one way to increase accountability and transparency.

Media plays a significant role in monitoring politicians.<sup>25</sup> Newspapers, television news programs, and radio news programs provide the public with a continuous stream of information. Reporters and journalists search for stories they think their audiences want to hear. Political scandals and acts of corruption rank among their favorite topics to report. A free and autonomous press may obtain the resources necessary to inform the public about corrupt behavior. On the other hand, if corrupt government officials censor media, journalists are unable to publish stories about corrupt behavior. Politicians in these societies will engage in more corruption because their risk of punishment is low. Thus, a country with a free press should have lower levels of corruption.

Additionally, the population size may affect the incentives for corruption.<sup>26</sup> Countries with a large population suffer from problems of coordination and collective action. So it is difficult for larger societies to monitor corrupt officials. A bigger population will usually require more representatives, and, consequently, it will prove harder to monitor an increased number of politicians. On the other hand, smaller states, like Singapore, are easier to monitor. Smaller populations usually have more efficient communication flow, and police have an easier time discovering government fraud. Thus, a country with a smaller population should have lower levels of corruption.

Rational choice theory also considers economic factors in determining the costs and benefits of corruption. Scholars such as Max Weber argue that "economic development was a necessary condition for the emergence of rationally organized, legally driven bureaucracies that exhibit little corruption."<sup>27</sup> They believe that greater economic development increases the rule of law and acts as a control on corruption. With a strong rule of law, the judicial and police systems may more effectively protect and uphold property rights. When rules consistently govern these rights, politicians have less incentive to engage in corrupt acts.

Rational choice theory assumes that politicians, and the public alike, desire more money. In poverty-stricken areas, people may want to extend or receive a bribe. With more material goods at stake, impoverished people have

stronger incentives to engage in corrupt behavior. To exacerbate the problem, under-funded agencies set up for monitoring, such as police, will have a harder time ensuring transparency and enforcing the law. Thus, a country with more wealth should have lower levels of corruption.

On the other hand, the argument that wealth decreases corruption is an endogenous problem because corruption may also decrease wealth. The violation of property rights may prevent citizens from leaving impoverished conditions. Previous studies have already proven the ill effects that corruption causes for the economy.<sup>28</sup> Nevertheless, most scholars include a variable measuring the effect of wealth when they try to explain corruption cross-nationally. Such measurements may represent a theoretical oversight in explaining corruption, and further research may help explain the complex relationship between the economy and corruption. However, in keeping with previous scholars' works, I will measure the influence that wealth has on corruption while keeping in mind that corruption may also affect wealth.

Finally, rationalists study the type of government. Different democratic systems create different levels of competition. A federal structure creates more competition because of sub-jurisdictions.<sup>29</sup> Such decentralization of federal states leads to more corruption because politicians only have to influence small segments of the government, and smaller actions are less visible. Fewer agencies exist to oversee and enforce honesty. Similarly, public officials may create stronger relationships with individuals in local government arenas. Thus, a country with a non-federalist structure should have lower levels of corruption.

In sum, under the rational choice theory, I will test four hypotheses. First, countries with a free press will experience less corruption. Second, countries with smaller populations will experience less corruption. Third, wealthier countries will experience less corruption. And fourth, non-federal states will experience less corruption.

### *Culture*

Cultural theorists argue that culture "shapes the behavior and actions of people, both at the individual and collective levels."<sup>30</sup> They understand culture "as an inherently fluid system of meaning, with multiple 'voices' and a complex influence on social, political, or economic processes."<sup>31</sup> Cultural theories claim that countries have high levels of corruption because their norms and values permit it.

In general, cultural theorists blame a "culture of mistrust" for high levels of perceived corruption.<sup>32</sup> Where corruption has become commonplace, citizens begin to lose trust in government officials. In a culture of mistrust, public officials may justify their corrupt actions by claiming that everyone else is also corrupt. Corruption becomes "a cultural legacy, building up over time and affecting the

politics of an entire region for generations."<sup>33</sup> Religion may affect the amount of corruption in a state. More hierarchical religions, such as Catholicism, Eastern Orthodoxy, and Islam, provide fewer challenges and checks on the behavior of public officials.<sup>34</sup> Traditionally, these faiths teach believers obedience to authority and blind faith. Politicians develop an almost divine nature, and citizens will be less likely to challenge their actions. On the other hand, Protestant faiths are more individualistic and provide fewer opportunities to engage in corrupt behavior. Thus, Protestant countries should have less corruption.

Democratic norms may also explain the level of corruption. Democracy creates norms and values of equality and participation that condemn corrupt behavior. These values become engrained in society through a process of socialization. Over time, this process strengthens as values diffuse and spread to broader parts of society. Some scholars argue that a culture of democratic norms is a necessary step in eliminating corruption: "The public will not care about detecting, publicizing, and punishing corrupt acts unless broadly shared norms treat corruption as antagonistic to basic democratic values."<sup>35</sup> A long history of democracy should show deeply rooted norms and lower levels of corruption.

In short, under the cultural theory, I will test two hypotheses. First, predominantly Protestant countries will experience less corruption. And second, countries with deeper democratic roots will experience less corruption.

### *Structural*

Many of the rational choice and cultural explanations for corruption could overlap to create a system ripe for corruption. A structural approach focuses less on the individual causes and more on historically specific factors. Structuralists believe that "human action and behavior are fundamentally shaped by the larger environment, which, in turn, is the product of dominant economic, political, and social arrangements."<sup>36</sup> These factors combine to create a configuration that affects the level of corruption.<sup>37</sup>

Since I use a more generalized approach to explain corruption, it is difficult to examine the unique institutional and structural factors of each country. Because the structural approach relies more on modes and configurations, these variables will not be as reliable or valid in an ordinary regression. Nevertheless, I will test one historically specific cause of corruption—colonialism. Recent scholars argue that the varying colonial experiences created different "socioeconomic and cultural institutions [in] postcolonial societies."<sup>38</sup> More specifically, the economic, political, and sociocultural institutions that Britain set up in its colonies have caused the future countries to develop differently than other colonies. Great Britain primarily used a liberal model to establish colonies that would maximize profit through exchange in free markets.

This method promoted a common law system that upheld private property rights, encouraged commercial production, and enforced the rule of law. Common law systems help to reduce corruption by introducing powerful norms that stress compliance with established procedures and offer greater protection and recourse to individuals harmed by corruption. Contrastingly, other colonial powers used more mercantilist methods that privileged “status groups and explicitly impose[d] hierarchical relations of dependence.”<sup>39</sup>

In addition, the level of colonial involvement also changed the historical outcomes of former British colonies.<sup>40</sup> Great Britain colonized less complex areas because they were easier to restructure. On the other hand, other colonial powers left complex areas largely unchanged because the existing institutions were so hard to modify. Consequently, the postcolonial development of former British colonies also depends on the level of colonization, with heavier involvement leading towards more development. Thus, under the structural theory I will test one hypothesis: countries where Britain left strong colonial legacies will experience less corruption.

### Research Design

To test the explanatory power of these theories for corruption, I operationalized the various variables and ran a linear regression. The 142 countries I studied included both democratic and authoritarian regimes, as well as high variance in economic development. I compiled my data for the year 2005.

### Dependent Variable

I define corruption as the misuse of public office for private gain. Scholars frequently use this definition, and it is generally accepted in most mediums.<sup>41</sup> To operationalize corruption, I used the 2005 CPI created by Transparency International. These scores range from 10 (least corrupt) to 0 (most corrupt). Transparency International constructs its index from nine to ten sources they had compiled during the previous three years. They use three types of sources: country experts, business leaders from developing countries, and resident business leaders.<sup>42</sup> By using a standardized measure of corruption, I will more properly compare corruption cross-nationally. Because Transparency International only measures the perception of corruption, cultural differences may skew the measure and make it difficult to test the true influence of cultural values.

### Independent Variables

I used several sources to compile data for my independent variables. First, I created a control variable for the level of democracy. I used Freedom House’s Political Rights score to operationalize democracy. Theoretically, adding the Civil Liberties score to the Political Rights one would create a more complete measure of democracy.

However, Freedom House includes some of the other variables I am testing in their measure of civil liberties. Thus, I left the Civil Liberties measure out of my control variable for democracy to avoid multicollinearity.

To measure political rights, Freedom House uses a survey to determine the degree to which countries allow people to participate freely in the political process.<sup>43</sup> The survey asks questions about three general areas—the electoral processes, political pluralism and participation, and the functioning of government—as well as an additional discretionary area. From the answers, Freedom House compiles a measure that ranges from one (best) to seven (worst). For the purposes of this study, I inverted the variable so that a seven represents more political rights, and a one represents less.

To measure the effect of media on corruption, I used a separate Freedom House survey that measures the freedom of the press. It asks questions about the affect on the media in three general areas: the legal environment, the political environment, and the economic environment.<sup>44</sup> This measure ranks press freedom from zero (best) to one hundred (worst) and provides a value of the free flow of news and information. Once again, for the purposes of this study, I inverted this score so that one hundred represents the freest press and zero represents the least.

I found two variables measuring the effect of population size and wealth using the World Bank’s World Development Indicators database. For population size, I entered in the population value. To measure the impact of economic forces, I will use the measure for Gross Domestic Product (GDP) per capita measured in terms of Power Purchasing Parity (PPP).

I used the 2006 CIA World Factbook to construct two variables measuring the affect of federalism and Protestantism on corruption. I made federalism a dummy variable. Using the government type coding found in the World Factbook, all those labeled as Federal and Federal Republic received a one, and the remaining countries received a zero. For Protestantism, I recorded the percentage of the population that is Protestant.

Using the Polity IV Project data, I constructed a variable measuring the socialization of democratic values. The polity research tradition codes “the authority characteristics of states in the world system for purposes of comparative, quantitative analysis.”<sup>45</sup> I used a sum of Polity IV’s polity two measure for every year that a country scored a zero or more. The polity two score combines the democracy and autocracy measures to provide a quantitative measure for the strength of democracy. It uses a scale ranging from negative ten (strongly autocratic) to positive ten (strongly democratic). Because I only want to test the positive effects that democratic values have on corruption and not the negative effects that an authoritarian regime might cause, I only added up the positive numbers

in the polity two column and assigned a zero to countries without any democratic experience.

To test for the effect of British colonial rule, I used a measure constructed by Matthew Lange, James Mahoney, and Matthias vom Hau.<sup>46</sup> They created a five-point scale measuring the different levels of colonialism in the former British colonies. I assigned each label a corresponding number ranging from zero (Low) to five (High).

*Collinearity*

Some of the variables I am using measure different phenomena that may be correlated. Therefore, I ran a factor analysis on all of the variables to test for multicollinearity; Table 2 shows the results.

**Table 2: Factor Analysis**

Variable	Factor Loading
Political Rights	.814
Press Freedom	.876
Population	-.001
GDP (PPP) per capita	.800
Federal State	.302
Democratic Socialization	.872
Percent Protestant	.542
British Colonial Rule	.450

The results show that four variables—Political Rights, Press Freedom, GDP (PPP) per capita, and Democratic Socialization—loaded very heavily around 80 percent. Despite the statistical results, no one theory can justify combining all four variables. Theoretically, I can only combine the Political Rights and Democratic Socialization measures. A transitioning democracy must begin to learn and teach its citizens democratic norms and values, such as participation and accountability. Over time, these values spread and increase in strength through a process of socialization. As the democratic norms get stronger, democracy should have more support and provide a more effective government. Thus, the political rights should also increase with the socialization of democracy. Both factors seem to work together to explain the strength of democracy in a given country. Further, both variables measure similar aspects of democracy. Democratic Socialization measures the strength of the democratic norms and values in society, and Political Rights measures the freedom to participate in the political arena. However, the Democratic Socialization variable also measures the effectiveness of elections and other procedural parts of democracy. Consequently, I will construct a single index, the Democratic Consolidation Index, out of these two variables. To construct this index, I scaled the two variables the same and calculated their mean.

A second factor analysis (Table 3) reveals that the new index variable corrected some of the correlation, but the two remaining variables still loaded heavily in the analysis.

Yet, I cannot theoretically combine Press Freedom or GDP (PPP) per capita to any other variable. Thus, I will leave all the variables as they are and keep the one Democratic Consolidation Index.

**Table 3: Factor Analysis**

Variable	Factor Loading
Press Freedom	.782
Population	.036
GDP (PPP) per capita	.813
Federal State	.360
Democratic Consolidation Index	.907
Percent Protestant	.593
British Colonial Rule	.525

**Results**

After operationalizing all the variables and correcting for multicollinearity, I set up my data to run an OLS regression. In the regression, I checked for statistical and substantive significance. I considered variables with a *p*-value lower than .05 as statistically significant. Then I looked for substantive significance by multiplying the standard deviations of each variable by its coefficient. Table 4 shows the results of the regression.

Only three variables showed statistical significance: Press Freedom, GDP (PPP) per capita, and Percent Protestant. Press Freedom has a *p*-value of .019; GDP (PPP) per capita has a .000 *p*-value; and the Percent Protestant variable has a *p*-value of .023. All the other variables showed no statistical significance.

**Table 4: Regression**

Variables	2005
Press Freedom	0.01* (.004)
Population	-2.849E-10 (.00)
GDP (PPP) per capita	.00*** (.00)
Federal State	-.253 (.26)
Democratic Consolidation Index	.001 (.001)
Percent Protestant	.009* (.004)
British Colonial Rule	.076 (.07)
R	.912
R2	.832
N	142

\**p*<.10; \*\**p*<.01; \*\*\**p*<.001.

**Note:** Unstandardized regression coefficients are shown with standard errors in parentheses

To assess the substantive significance of each variable, I multiplied the coefficient of each factor by its standard deviation. Table 5 reveals the results. The same three statistically significant variables also have the highest substantive significance.

**Table 5: Substantive Significance**

Variables	Substantive Significance
Press Freedom	.24
Population	-.04
GDP (PPP) per capita	1.63
Federal State	-.08
Democratic Consolidation Index	.18
Percent Protestant	.20
British Colonial Rule	.10

The Press Freedom variable shows a substantive significance of .24. This means that for each standard deviation in press freedom (24.33), the CPI increases by .24. Transparency International uses a ten-point scale to measure corruption and press freedom is measured on a one hundred-point scale. Therefore, the media needs to increase its freedom by almost a quarter to cause only a 2.4 percent decrease in corruption. Although this variable proves statistically significant and has the second highest substantive significance, a freer press does not dramatically reduce the level of corruption.

The Percent Protestant variable shows a substantive significance of .20. This means that for each standard deviation in the percentage of the population that is Protestant (22.42) the CPI increases by .20. This means that 22.42 percent of the people of any given nation need to convert to Protestantism in order to reduce corruption by only 2 percent. Once again, the variable does not cause a considerable change in the level of corruption.

GDP (PPP) per capita shows the greatest substantive significance at 1.62. This means that for each standard deviation of the variable (10,878) the CPI increases by 1.62. Thus, an \$11,000 increase in per capita wealth reduces corruption by 16.2 percent. By far, GDP (PPP) per capita causes the greatest change in the perception of corruption. Therefore, I can conclude that wealth or poverty contributes to the explanation of corruption the most. As citizens begin to earn higher incomes, they have less incentive to accept bribes, and, consequently, politicians have less incentive to offer money for political support. However, as previously mentioned, this finding is problematic because corruption could be the cause of poverty in many countries. Corruption may prevent citizens from earning a better paycheck because all the power and funds are concentrated among the elite. To address endogeneity, I ran the regression again without controlling for wealth. Table 6 shows the results.

Once again, press freedom proved statistically significant, but the level of democratic consolidation also became statistically significant. Both variables have  $p$ -values of .000. Also, the Percent Protestant variable lost its statistical significance with a  $p$ -value of .318.

**Table 6: Regression without GDP (PPP) per capita**

Variables	2005
Press Freedom	.028*** (-.006)
Population	-7.754E-10 (.00)
Federal State	-0.263 (.403)
Democratic Consolidation Index	0.006*** (.001)
Percent Protestant	0.006 (.006)
British Colonial Rule	-0.044 (.108)
R	.771
R2	.594
N	142

\* $p < .10$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ .

**Note:** Unstandardized regression coefficients are shown with standard errors in parentheses

To determine substantive significance, I again multiplied the coefficient by the standard deviation of each variable. Table 7 shows the results.

**Table 7: Substantive Significance without GDP (PPP) per capita**

Variables	Substantive Significance
Press Freedom	.68
Population	-.11
Federal State	-.09
Democratic Consolidation Index	1.05
Percent Protestant	.13
British Colonial Rule	-.06

Both of the statistically significant variables also showed the highest substantive significance. Press Freedom increased from .24 to .68. Without controlling for wealth, a 25 percent increase in the media's freedom reduces corruption by 6.8 percent. This number still does not reach the dramatic influence that wealth had on the level of corruption, but excluding wealth makes the media's freedom cause almost a one step increase in the CPI. Therefore, I can conclude that the level of press freedom does partially explain corruption.

In addition, the level of democratic consolidation dramatically increased its influence on corruption and caused a substantive reduction in the CPI. The Democratic Consolidation Index shows a substantive signifi-

cance of 1.05, so a one standard deviation increase in the consolidation of democracy reduces corruption by 11 percent. Thus, as democratic values and norms become more engrained in society, the level of democracy increases and corruption decreases.

### Conclusion

Corruption represents a problem that every government must face. Although corruption affects every country, some have managed to mitigate its effects. I have shown that wealth, press freedom, and Protestantism correlate with reduced corruption in governments. A democratic culture may also reduce the occurrences of corruption.

On a broader theoretical level, these three factors represent both the rational choice and cultural arguments. Thus, it appears that determining the costs and benefits of corrupt acts provides important insight about whether or not a country will experience corruption. Likewise, certain cultures seem more adept at controlling corruption than others. These cultures promote honesty and pragmatism and label corruption as a threat to democratic governance. Although this study did not find any significant structural argument, more work should be done to determine how historical factors besides colonialism affect corruption. This paper's generalized focus largely excluded many possible structural factors.

In addition, my findings confirm and correct previous literature about corruption. In 2000, Sandholtz and Koetzle concluded that wealth, strong democratic institutions, and the length of democracy affect corruption. I have shown that wealth does indeed affect corruption, but my results also correct their initial findings. A democracy can have strong institutions that promote political rights but may still suffer from corruption. The level of accepted democratic norms and values is more important at explaining corruption. In another cross-national study, Daniel Treisman found that countries with Protestant traditions, histories of British rule, more developed economies, and a non-federal structure experience less corruption.<sup>47</sup> My results confirm Treisman's arguments for Protestantism and economic development, but they conflict with his conclusions that British colonialism and federalism affect the level of corruption. Both of these variables were neither statistically nor substantively significant in my study. And more recently, Xiaohui Xin and Thomas Rudel identify poverty, large populations, and different political cultures as causes of corruption.<sup>48</sup> Once again, my study confirms the idea that culture and wealth affect the levels of corruption; however, I found that large populations did not cause a significant change in corruption. Despite these confirmations and corrections, more work needs to be done to determine how economic wealth and corruption relate to each other and affect the other variables.

Although press freedom, wealth, and religion are important factors, they mean little for honest policymakers looking for quick fixes. Fighting corruption first requires long-term efforts to increase the wealth of a nation. Economic development is a problem for many of the same countries that are trying to eliminate high levels of corruption. Likewise, changing the religious beliefs of most of a society is very difficult, especially in authoritarian regimes that deny freedom of religion. Thus, policymakers must focus on different incentives for engaging in corrupt acts. They need to grant the press freedom to monitor and report on the actions of various government leaders. Also, they should create protections for reporting the truth and make necessary information public. Promoting the rule of law by increasing the autonomy of the judiciary and the efficiency of the police force will also help ensure the media's freedom. Making these reforms will begin the process necessary for other changes to occur that will help control corruption.

### NOTES

1. Anderson, Christopher J. and Yuliya V. Tverdova. "Corruption, Political Allegiances, and Attitudes Toward Government in Contemporary Democracies," *American Journal of Political Science*, 47, January 2003, pp. 91–109; Chang, Eric C. C. and Miriam A. Golden. *Electoral Systems, District Magnitude and Corruption*, Departments of Political Science at Michigan State University and the University of California at Los Angeles, 2004; Griffith, Ivelaw and Trevor Munroe. "Drugs and Democracy in the Caribbean," *Journal of Commonwealth and Comparative Politics*, 33, November 1995, pp. 360–70; Moran, J. "Democratic Transitions and Forms of Corruption," *Crime, Law, and Social Change*, 36, December 2001, pp. 385–95; Seligson, Mitchell. "The Impact of Corruption on Regime Legitimacy: A Comparative Study of Four Latin American Countries," *Journal of Politics*, 64, February 2002, pp. 408–33; Xin, Xiaohui and Thomas K. Rudel. "The Context for Political Corruption: A Cross-national Analysis," *Social Science Quarterly*, 85, June 2004, pp. 294–309.
2. Della Porte, Donatella and Alessandro Pizzorno. "The Business Politicians: Reflections from a Study of Political Corruption," *Journal of Law and Society*, Vol. 23, 1, March 1996, pp. 73–94; Sandholtz, Wayne and William Koetzle. "Accounting for Corruption: Economic Structure, Democracy, and Trade," *International Studies Quarterly*, 44, March 2000, pp. 31–50.
3. Warren, Mark E. "What Does Corruption Mean in a Democracy?" *American Journal of Political Science*, 48, April 2004, pp. 328–43.
4. Doig, Alan and Stephanie McIvor. "Corruption and its Control in the Developmental Context: An Analysis and Selective Review of the Literature," *Third World Quarterly*, 20, fall 1999, pp. 657–76; Knack, Stephen and Philip Keefer. "Institutions and Economic Performance: Cross-country Tests Using Alternative Institutional Measures," *Economics and Politics*, 12, November 1995, pp. 207–27; Lambsdorff, Johann. "Corruption in Empirical Research—A Review." Unpublished manuscript, University of Goettingen, 1999; Mauro, Paolo. "Corruption and Growth," *Quarterly Journal of Economics*, 110, August 1995, pp. 681–712.
5. Mauro.
6. Johnston, Michael. "Corruption, Inequality, and Change," *Corruption, Development, and Inequality: Soft Touch or Hard Graft*, ed. Peter M. Ward, New York, Routledge, 1989.
7. Xin and Rudel, p. 295.
8. Drury, A. Cooper, Jonathan Krickhaus, and Michael Lusztig. "Corruption, Democracy, and Economic Growth," *International Political Science Review*, 27, April 2006, pp. 121–136; Emerson,

- Patrick M. "Corruption, Competition and Democracy," *Journal of Development Economics*, 81, October 2006, pp. 193–212; Golden, Miriam A. and Eric C. C. Chang. "Competitive Corruption: Factional Conflict and Political Malfeasance in Postwar Italian Christian Democracy," *World Politics*, 53, July 2001, pp. 588–622; Migdal, Joel. *Strong Societies and Weak States: State-society Relations and State Capabilities in the Third World*, Princeton, Princeton University Press, 1988; Sandholtz and Koetzle; Xin and Rudel.
9. Sandholtz and Koetzle, p. 43.
  10. Warren.
  11. Smith, Alastair, Bruce Bueno de Mesquita, Randolph Siverson and James Morrow. *The Logic of Political Survival*, Cambridge, MIT Press, 2003.
  12. *Ibid.*, p. 7.
  13. Smith, 2005.
  14. Sandholtz and Koetzle.
  15. Persson, Torsten, Guido Tabellini, and Francesco Trebbi. "Electoral Rules and Corruption," *Journal of European Economic Association*, 1, June 2003, pp. 958–89.
  16. Emerson; Treisman, Daniel. "The Causes of Corruption: A Cross-national Study," *Journal of Public Economics*, 76, June 2000, pp. 399–457.
  17. Bueno de Mesquita, Bruce, James D. Morrow, Randolph Siverson, and Alastair Smith. "Political Competition and Economic Growth," *Journal of Democracy*, 12, January 2001, pp. 58–72; North, Douglas. *Institutions, Institutional Change, and Economic Performance*, Cambridge, Cambridge University Press, 1990.
  18. Drury.
  19. Sandholtz and Koetzle, p. 38.
  20. Lichbach, Mark Irving and Alan S. Zuckerman. *Comparative Politics: Rationality, Culture, and Structure*, Cambridge, Cambridge University Press, 1997.
  21. Lim, Timothy C. *Doing Comparative Politics: An Introduction to Approaches and Issues*, Boulder, Lynne Rienner Publishers, Inc., 2006.
  22. Norlin, Kara Elizabeth. "Political Corruption: Theory and Evidence from the Brazilian Experience," PhD dissertation, University of Illinois, Urbana-Champaign, 1997.
  23. Kiewiet, D. Roderick and Matthew D. McCubbins. *The Logic of Delegation: Congressional Parties and the Appropriations Process*, Chicago, The University of Chicago Press, 1991.
  24. Xin and Rudel.
  25. Treisman.
  26. Xin and Rudel.
  27. *Ibid.*, p. 298.
  28. Doig and McIvor; Knack and Keefer; Lambsdorff. "Corruption in Empirical Research—A Review," 1999; Mauro.
  29. Treisman.
  30. Lim, p. 88.
  31. *Ibid.*
  32. Xin and Rudel, p. 298.
  33. *Ibid.*
  34. Treisman.
  35. Sandholtz and Koetzle, p. 38.
  36. Lim, p. 79.
  37. Katznelson, Ira. "Structure and Configuration in Comparative Politics" in Lichbach, Mark I. and Zuckerman, Alan S., eds. *Comparative Politics: Rationality, Culture, and Structure*, Cambridge, Cambridge University Press, 1997, pp. 97–123.
  38. Lange, Matthew, James Mahoney, and Matthias vom Hau. "Colonialism and Development: A Comparative Analysis of Spanish and British Colonies," *American Journal of Sociology*, 111, March 2006, p. 1413.
  39. *Ibid.*, p.1416.
  40. *Ibid.*
  41. Emerson; Golden and Chang 2001; Sandholtz and Koetzle; Chang and Golden 2004; Xin and Rudel.
  42. Lambsdorff. *The Methodology of the 2005 Corruption Perceptions Index*, 2005.
  43. Freedom House. "Freedom in the World: The Annual Survey of Political Rights and Civil Liberties," Lanham, Rowman & Littlefield, Inc., 2006.
  44. Freedom House. "Global Press Freedom Rankings," Lanham, Rowman & Littlefield, Inc., 2006.
  45. Marshall, Monty G. and Keith Jaggers. *Polity IV Project: Dataset Users' Manual*, Arlington, Polity IV Project, 2005.
  46. Lange, *et al.*
  47. Treisman.
  48. Xin and Rudel.

## REFERENCES

Central Intelligence Agency. *The World Factbook*, Springfield, CIA, 2006.

Corruptions Perception Index. Transparency International, 2005, [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2005](http://www.transparency.org/policy_research/surveys_indices/cpi/2005) on 19 October 2006.

Domínguez, Jorge. "Latin America's Crisis of Representation," *Foreign Affairs*, 76, January/February 1997, pp.100–13.

Kaufmann, D., Aart Kraay, and Massimo Mastruzzi. *Governance Matters V: Aggregate and Individual Governance Indicators for 1996–2005*, Washington, D.C., World Bank, 2006.



# Political Push Factors in Emigration: A Comparative Analysis

Rebecca Nielsen

For the last several decades the “brain drain” has remained an unresolved issue in the field of political development. Despite a large body of research devoted to the topic, most work is theoretical rather than observational. The few systematic studies of migration have been limited to specific times and settings, and the collective results do not fall into any generalized pattern. This paper is intended to be a comparative study of “push factors” to show why people migrate, and particularly why people of different educational backgrounds migrate at different rates. While many previous arguments about migration assume that developing states are entirely at the mercy of arbitrary and impersonal economic tides; I show that governments might be able regulate migration, at least partially, through political and social policies.

## Introduction

There is a general consensus that improved and increased education is vital to achieving state development and some scholars go further; Amartya Sen<sup>1</sup> argues that education *is* a form of development because it affords people greater choices and capabilities. Additional studies suggest that accumulating human capital, such as a well educated population, may lay the foundation for rapid economic development.<sup>2</sup> Frequently cited examples include the Japan and Taiwan.<sup>3</sup> A large body of evidence— anecdotal or qualitative—on north-south relations indicates that developing countries are falling victim to a brain drain, their most brilliant minds are drawn off to more prosperous and progressive nations in the developed “north.” This suggests that governments’ efforts to educate their citizens may prove futile. While there is a good deal of disagreement over the precise causes of the brain drain, most scholars concur that asymmetric economic incentives

are the largest factor driving masses of educated people to advanced industrialized states. While individuals with professional training (in medicine, law, engineering, etc.) may be in high demand in their native country, they can earn far more competitive wages in a wealthier region.<sup>4</sup> Hence, when the government of a less-developed nation invests in educating its citizens, it is likely to suffer a net loss; rather than staying and contributing to society, graduates have strong incentives to leave the country as soon as they secure a degree or diploma, often without compensating for their government-subsidized education.<sup>5</sup>

The purpose of this paper is to build on existing studies by measuring brain drain effects using a large number sample that allows for conclusions more broadly applicable than those that could be reached with a case study.

## The Brain Drain in Literature

The largest body of literature on brain drain portrays it as a dire setback in Third-World development that can only be solved with tremendous cooperation and effort on the parts of both north and south. Dependency theorists argue that by setting high educational requirements for immigrants, governments with developed economies exacerbate the drain on the developing world by filtering out the undereducated and welcoming trained professionals; thus, realizing a “brain gain” at the expense of the source nation.<sup>6</sup> Some go so far as to claim that developed countries are deliberately exploiting developing countries by “skimming off” the most skilled and intelligent foreign laborers.<sup>7</sup> The ideal solution, these scholars contend, is for developed nations to reform their immoral apathy toward Third World troubles and to adequately compensate source countries for each skilled worker they lose.<sup>8</sup>

However, since the first articulation of the brain drain effect in the mid-twentieth century, the urgent sense that the drain must be “plugged” has diminished in the academic community; in fact, many development scholars have begun to view a brain drain as potentially beneficial for source states in the developing world. Proponents of the “diaspora theory” believe that migration to the north has the potential to secure net monetary gains for the developing source states through direct remittances and donations as well as by opening new channels for the flow of information.<sup>9</sup> In advanced countries, economies of scale and the availability of superior technology allow educated migrants to be more effective and productive than they could possibly be in their native region.<sup>10</sup> In their improved economic circumstances, migrants can better aid those left behind by sending back remittances, offering expert advice, and helping to start businesses, as Kwabena O. Akurang-Parry<sup>11</sup> demonstrates in a case study of Ghanaian expatriates. Andrew Mountford<sup>12</sup> calculates that an alleged brain drain may, under the right conditions, actually lead to a rise in educational attainment in the source country. He argues that if people perceive high economic returns on emigration, and educated people are most capable of migrating, then more people will enroll in school. In the 1960s, Turkey and Jordan followed a minimally successful “3 R” agenda based on diaspora theory: recruitment of citizens to migrate abroad, collection of remittances, and eventually the return of these workers, with skills added.<sup>13</sup> While several recent case studies have affirmed that remittances do increase educational attainment in the source country,<sup>14</sup> David McKenzie and Hillel Rappoport<sup>15</sup> show that Mexican children are less educated in families with migrant members.

If the pull of wealthier nations is the only significant factor behind migration and the most pessimistic brain drain theorists are right, then the outlook for developing countries is bleak. Migration forms a vicious circle: citizens leave because the country is relatively poor, thereby depriving it of human capital, a shortage which in turn impedes even the best development efforts by the government. Without development, the state remains poor. If states try to limit emigration by force, they will encounter not only logistical but ethical dilemmas: emigration (though not necessarily immigration) is commonly considered a human right; the ability of people to “vote with their feet.”<sup>16</sup> Advanced industrialized countries, on the other hand, seek to exercise strict control over immigration by using educational standards to regulate legal migration so that only the most qualified applicants may enter. Such limited migration represents a beneficial gain of skilled workers for whom the host country is spared the costs of training; thus, these countries have little incentive to change the status quo. This situation seems inevitable unless there are other, more dynamic elements that can mitigate a brain drain—that is, factors that the source gov-

ernment can adjust or alter to some degree. If such factors exist, then perhaps developing states can control the extent of their migration without depending on unlikely and unreliable cooperation of others.

Brain drain case studies often examine “push and pull factors” to determine the motives of individuals that migrate between nations. *Pull factors* are characteristics of the host country that attract immigrants; for example, a strong, stable economy, high wages or job availability. Conversely, *push factors* are features of the source country that explain why inhabitants would seek to emigrate, including low-average income, war, or high rates of disease. This paper assumes that in general all developing countries face similar pull factors from the world at large; thus, its focus is primarily on push factors and the degree to which they determine the likelihood of migration.

While economic disparities might be the most significant push factors behind migration for all education levels, data collected by Frédéric Docquier and Abdeslam Marfouk<sup>17</sup> show that variously educated groups migrate at rates that differ significantly not only from each other but from the overall migration rates in each country. As brain drain theorists predict, people appear most likely to migrate with at least a secondary education. The highly educated tertiary groups are theoretically the most capable of moving—and often gain the most from it monetarily. The available data generally supports this fact, although in several cases migration rates among the population with only secondary school attainment outstrips that of both the most and least educated sectors. For example, in Laos in 2000, the migration rate among residents with tertiary educations was 13.8 percent; among those with secondary educations this figure rose to 20.9 percent, while the overall migration rate was a mere 7.1 percent. There is also significant variation in the overall rates from country to country, ranging from 44 percent in Tonga to virtually none in Lesotho.

Why do these rates fluctuate from country to country, and from group to group? I conclude that there are factors in addition to education level and economic incentives that dictate these irregularities in migration. Certain of these factors must have a larger impact for one particular educational group than for the others, and the total distribution of these factors in a country should explain higher or lower emigration rates relative to other nations; hence, the comparative nature of this study. If there are indeed other factors governing migration apart from pure economic gain, then perhaps governments may indirectly regulate emigration by adjusting those factors as they see fit. Procedures to reduce emigration could be implemented when soaring rates are harming the source country; reverse policies (intended to encourage migration) could possibly alleviate unemployment pressures or promote the creation of a beneficial diaspora.

## Theory and Hypotheses

In line with the bulk of brain drain theorists, I expect that overall economic indicators will have the largest influence on each sector of the population. Representative of many economic arguments is that of Harry Johnson,<sup>18</sup> who explains migration as the result of rational cost-benefit analyses by individuals. Trained professionals naturally flow to the areas where they are in most demand—that is, where people will pay the most for their services. If a skilled laborer calculates that he or she will make much more per year after migration and that migration outweighs the expenses of travel and resettlement, then they will go abroad. I hypothesize that nations with lower, average incomes will tend to generate more migration to Organization for Economic Cooperation and Development (OECD)<sup>19</sup> countries at a fairly constant rate across educational groups. While educated people are likely to receive relatively higher wages even in a low-income country (and are therefore more capable of a costly undertaking like migration) educated people also tend to create positive externalities in developing countries. As Johnson<sup>20</sup> notes, people often appreciate the positive externalities they provide and will factor that loss into the mental calculus of any migration decision, resulting in a tempering of migration among educated groups. Therefore, I hypothesize the following:

### *1. Increased incomes reduce incentives to emigrate for all education groups.*

One of the more controversial theoretical debates in migration studies concerns the relationship between foreign direct investment (FDI) and cross-border migration. In the context of the Heckscher-Ohlin model, FDI appears to strike at the root causes of migration by creating businesses, increasing employment and reducing the inequality between domestic and foreign wage rates. The United Nations Conference on Trade and Development asserted in 1996 that FDI

contributes directly to a reduction of migration through job creation in foreign affiliates and . . . contributes to economic development by bringing technology and organizational and managerial know-how and providing origin countries access to markets. FDI can thus generate a sense of hope among potential migrants for a better economic future in countries with insufficient capital but abundant labour.<sup>21</sup>

A study by Patricio Aroca and W.F. Maloney<sup>22</sup> affirmed that FDI flows into Mexico from the U.S. had dampened illegal migration. However, at the same time that FDI alleviates outward pressure, it lifts constraints (such as extreme poverty) that may have previously impeded movement. Moreover, FDI generates opportunities for migration by strengthening ties and business networking between the north and developing countries and, in this

sense, FDI may be a complement, rather than a substitute, for migration. To illustrate one instance of this, Phillip Martin<sup>23</sup> cites the example of export processing zones (EPZs) on state borders where FDI is often concentrated, such as the *maquiladoras* along the Mexican–U.S. border. These factories attract thousands of workers, and the surplus tends to trickle over illegally into the U.S.

### *2. Foreign direct investment influences decisions to migrate but it is unclear whether this impact will be positive or negative.*

In addition to the economic situation, I posit that the political environment of a country has a measurable effect on migration, and that political dissatisfaction will promote migration. A study of migration from Bangladesh to India attributes the movement partly to “political instability, fear of riots and terrorism,” as well as an “absence of democratic rights” in Bangladesh which was driving ethnic strife between Muslims and Hindus.<sup>24</sup> According to Pranati Datta the economic depression in Bangladesh was the most decisive factor in emigration but 65 percent of respondents claimed that bad governance was one of the contributing issues. I anticipate that the impact of political liberties and civil rights (or the lack thereof) will be greater among the more highly educated strata. University graduates, especially those who study abroad in developed countries, will be much more sensitive to the performance shortfalls of their own governments and likely to become frustrated if a government suppresses discussion or ignores their input. Educated people are also more predisposed to engage in activities that governments will dislike or interfere with, such as arranging demonstrations, writing provocative articles, starting up businesses, or running unofficial civil associations.

Given this trend, autocratic regimes are inclined to distrust the more educated echelons of society because they recognize that these people are influential and when dissatisfied the educated strata may orchestrate subversive activities. Thus, the intellectual elite will be a particular target for violence and repression, as in the “Great Purge” under Stalin or Saddam Hussein’s Iraq, where purportedly more than five hundred journalists were murdered by the government.<sup>25</sup> Furthermore, in the face of political uncertainty or current, bad policies with the potential lead to revolt, repression, or violence in the future, educated workers with relatively high incomes are most able of removing themselves and their families from the region before these events occur. However, the relationship between political freedom and migration may function on a curve: while I predict that the most liberal societies will be fairly static, totalitarian rulers like Kim Jong II of North Korea may try to isolate the country by imposing interdictions on migration to keep citizens from fleeing oppression or recruiting help from the outside world; thus,

the absence of migration is not necessarily indicative of a political paradise.

*4. Governments that are unresponsive or deny civil and political freedoms to citizens will see increased emigration, especially among the secondary and tertiary education groups, except in extreme cases where an authoritarian government locks the borders.*

In a similar vein, high levels of violence or breakdowns in the rule of law should fuel migration rates across all groups as the educated and non-educated alike flee to escape. Educated people, on average the wealthiest, may be in the best position to put distance between them and the violence, but civil unrest tends to target the rich and educated first. In civil wars, enemies try to remove each other's assets, including human capital such as professional doctors, politicians, and business owners. In post-invasion Iraq, where universities are plagued by looting and terrorist attacks, over two hundred professors have been killed since 2004.<sup>26</sup> In sudden outbursts of hostility, many educated people may not have time to flee the country before being stripped of their property or killed.

*5. Violence and the threat of physical harm will induce migration across all educational levels.*

The International Organization for Migration (IOM)<sup>27</sup> devotes an entire chapter of a recent publication on world migration to the issue of AIDS. The HIV/AIDS illness is particularly prevalent in developing countries where it kills off workers in their prime, resulting in orphaned dependents and workforces too young, small, and inexperienced to fill labor demands. If Martin<sup>28</sup> is right in claiming that scarcity of jobs is a push factor in migration, then the spread of HIV/AIDS ought to reduce migration. However, AIDS might contribute to migration as infected individuals seek advanced treatment in developing countries; the IOM believes it might, noting that death rates for adults with HIV are about twenty times higher for lower-income countries than industrialized states.

In countries where the risk of disease is very high and medical resources are limited, educated people will move to keep themselves and their children from becoming victims. If a person is already infected but cannot access the necessary treatments in their home country, they will try to move to an advanced country where their sickness can be dealt with. Less educated people are not as likely as others to move based on health needs. They may not realize that they are sick or that their illnesses can be treated, and even if they do they are more likely than educated people to seek folk remedies or blame the disease on superstitious causes like witchcraft. If they are poor or live in isolated rural areas they will often accept death and disease as part of life because they cannot afford to migrate and then pay for treatment.

*6. High levels of disease and low access to healthcare will increase migration for the tertiary education group.*

Finally, I hypothesize that a certain social "herd behavior" is evident in migration patterns. When Kez Miyagiwa<sup>29</sup> discusses how economies of scale work into the brain drain he is primarily interested with the professional effectiveness of educated workers in various more or less advanced environments. However, Miyagiwa also suggests that educated people enjoy the company of their peers; they like to be able to discuss and share ideas and collaborate with equals. If people feel they have others with similar interests with which to associate and form friendships or mutually beneficial relationships, they will be less inclined to leave for a foreign country where they do not know anybody. On the other hand, if there is not a solid base of academic institutions and networks (research groups or scholarly magazines, for instance) or at least a critical mass of educated people remaining in a country, then the educated population will continue to leave.

By extension, if educational opportunities in a developing country are very low, students hoping to advance their education will not be satisfied to stay put—many will go abroad to finish their education, and while abroad they are likely to form personal connections that bind them more to the host country than their native home. Anthony Barclay,<sup>30</sup> in an overview of the brain drain with regards to the University of Liberia, argues that many emigrants leave, not so much out of a desire to maximize profits, but out of a desire to learn. Third World universities are crowded, under-equipped, poorly staffed, and targeted by repressive regimes; students realize that for an effective education they need to study abroad. Once they establish themselves overseas they find that they are better respected or that their skills are more effective in their adopted country. Thus the drain perpetuates itself because the professionals left behind to teach the next generation have mediocre training and lack access to new ideas and methods. In order for levels of social capital to be maintained in the home country, the government must provide adequate educational resources. Lindsay Lowell<sup>31</sup> proposes policies to help governments retain university students, such as offering scholarships conditional upon staying in the country, allowing larger budgets for schooling, and exonerating loans for graduates who enter the national workforce.

*7. A higher concentration of educated people will tend to decrease emigration for the tertiary and secondary education groups.*

*8. Government investment in education should serve to reduce migration abroad.*

## Data

*Dependent Variable: Emigration Rates*

Empirical studies of the brain drain, its causes and its

effects, have been lacking due to a deficit of data about migration worldwide. While countries tend to regulate immigrants as they enter the country, many—with the exception of the most repressive or totalitarian regimes, like North Korea and China—are relatively less concerned about monitoring who leaves. Migrants are often subject to quotas and required to meet educational requirements or various other criteria upon entering a new country, but many host nations (particularly those outside of the OECD) do not compile comprehensive records of the country of origin, age, skill level, or profession of those who are approved for admission. Moreover, some migrants may bypass legal processes by slipping through unpatrolled borders. The OECD itself makes an effort to track and publish data about immigration stocks in member countries, but these data are not specifically broken down by both the source country and educational attainment and are, therefore, inadequate to calculate emigration stocks with regard to educational qualifications.

Without statistics for emigration rates, the purported brain drain from developing countries is virtually impossible to quantify. In one of the first and few attempts to do so on a large scale, William J. Carrington and Enrica Detragiache<sup>32</sup> compiled somewhat flawed estimates that merely identified which regions were experiencing the greatest “drain.” They derived their statistical model for the brain drain by determining the skill structure for each country of origin among U.S. immigrants and then projecting those proportions on the entire OECD migrant stock. However, this method fails to control for a number of factors, not the least of which is the inconsistent skill makeup of immigrant profiles across OECD countries. So far, little quantitative, non-theoretical research has tested for effective political strategies to control the drain or for the direct effects of migration on development, with the exception of Michel Beine *et al.*<sup>33</sup> who used Carrington and Detragiache’s estimates to predict the consequences of the brain drain for economic growth. A working paper by Richard H. Adams<sup>34</sup> also uses methods similar to Carrington and Detragiache to determine the effects of remittances on labor-exporting countries.

The estimates provided by Docquier and Marfouk<sup>35</sup> improve on the Carrington and Detragiache model in a number of ways, although the work is preliminary. Docquier and Marfouk use census information from twenty-five OECD countries (covering 92 percent of OECD migrant stocks) and account for the educational attainment of migrants for each country individually. From this they calculate the yearly rates of emigration from 190 countries (for 1990 and 2000). It is important to note that in this study, *emigration rate* refers to the percentage of a given country’s native labor force that is living outside of the country, not necessarily the percentage that leaves in that year. Docquier and Marfouk determine the overall emigration rates and the

rates for three skill/educational levels: primary, secondary, and tertiary. *Primary* refers to those with zero to eight years of schooling, *secondary* to those with nine to twelve years, and *tertiary* to those with thirteen or more. The three rates are referred to in my regressions respectively as Primary Emigration, Secondary Emigration, and Tertiary Emigration. I also test my independent variables against the total emigration rates for each country.

While the Docquier-Marfouk model is the most recent and accurate model of world emigration, it has several drawbacks that may distort or obscure the outcome of my tests. First, for OECD states where information on the age or educational structure of migrants was lacking, Docquier and Marfouk were forced to extrapolate from the composition of migrant populations in other OECD countries. Since educational attainment statistics are generally unavailable for illegal migrants, they assume that most illegal migrants fall into one of the lesser educated groups.

Second, the emigration database includes only migrants over age twenty-five (in order to facilitate cross-analysis with the Barro-Lee education database) but does not account for the age and educational level at which immigrants *entered* the country, or how long they have lived there. This makes it impossible to differentiate between migrants who were educated before, as opposed to after they were “drained,” which is an important distinction for many brain drain analysts. George J. Sefa Dei and Alireza Azgharzadeh show that the brain drain can happen in two nonsequential “phases:” in the first phase, individuals migrate after receiving an education in their native country; in the second, individuals travel abroad to receive education and then fail to return. The former phase is implicitly more damaging to a developing country because education is expensive and often highly subsidized within the source state.<sup>36</sup> The Docquier-Marfouk database will give an identical classification to an individual who migrated as an infant and spends their entire educational experience in an OECD country as to someone who migrates as a twenty-eight-year-old medical doctor. Likewise, as the authors point out, there is also no way to control for graduate students who are studying abroad temporarily, although the twenty-five-year-old cut off will filter out many of these cases.

Third, this data only captures migration from developed or developing nations to OECD nations, which encompasses roughly about 60 percent of total world migration. The other 40 percent usually occurs as citizens of developing nations move to relatively progressive nations that still fall in the Third World category; South Africa, Singapore, and the Gulf States are popular destinations. Moreover, migrants from the poorest countries may not be able to move far to escape interstate violence and civil wars—if Docquier and Marfouk were to compile similar data for 2006 they would not capture the massive

inflows of Iraqi refugees to neighboring Syria and Jordan. However, Docquier and Marfouk are confident that their data captures at least 85 percent of the world's most educated migrants; thus, the tertiary estimates may be the most precise reflection of actual migration decisions.

#### *Independent Variables*

To measure income I use gross national income (GNI) per capita, purchasing power parity (PPP) in current international dollars, as obtained from the year 2000 World Development Indicators provided by the World Bank.<sup>37</sup> This figure is the sum of all goods and services produced in the country in a given year, divided by the population and adjusted for the actual purchasing power of that amount. Because GNI tends to have a loglinear form I used the log of GNI in my regressions. Unfortunately, while GNI per capita may represent an average income, it does not account for the distribution or spread of income—in other words, the income gap. This may be particularly pronounced in states where the government or concentrated group owns a natural rent (like oil or beachside real estate) that does not directly profit the people at large. However, including measures of inequality, such as, the Gini coefficient, would severely limit my sample size. So, using GNI by itself is practical compromise.

Figures for inward FDI flows in 2000 are available from the United Nations Foreign Direct Investment Database<sup>38</sup> and are quantified in U.S. dollars at current prices in millions. Martin<sup>39</sup> warns that FDI may take years to affect migration behaviors, but here I assume that FDI in the year 2000 will be somewhat indicative of the amount of FDI in previous years.

To measure the quality of governance and political liberty I used the Polity 2 variable from the Polity IV Project database produced by the Center for International Development and Conflict Management.<sup>40</sup> This variable ranges from negative ten (strongly autocratic) to positive ten (strongly democratic) and represents the difference between the democracy and autocracy scores assigned to each state by the Polity IV Project. These scores are coded based on the presence of electoral institutions, the degree of political competition and participation, constraints on the executive, and so on. In my regressions this variable is simply named Polity. To control for cases where autocratic governments unduly restrict emigration, I use the freedom of movement dummy variable from the Cingranelli-Richards (CIRI) Human Rights Dataset.<sup>41</sup> A value of zero for the Movement variable represents a government that in some way restricts the movement of its citizens.

Likewise, I gauge levels of violence using the CIRI index for physical integrity which encompasses measures of extra-judicial killings, disappearances, political imprisonment, and torture. This scale ranges from zero to nine with higher values indicating less frequent incidents of violence and greater respect for physical integrity.

Data on the spread of HIV has relatively good coverage in comparison with most other health indicators, which makes it advantageous over other possibilities for operationalizing health. I obtained the prevalence of HIV from the 2000 World Bank Development Indicators where it is expressed as the infection rate for people ages fifteen to forty-nine as a percent of total population.

I use government spending on education as a rough measure of the educational opportunities in a country and of the relative quality of that education. I assume that higher government expenditures on a particular level of education correlates either with the provision of educational programs, faculty, textbooks, and scholarships to a wider sector of the population, or with the attainment of better educational standards by those that are educated. The variable Education Spending does not represent gross spending but rather the percentage of total government spending allocated to education as reported by the United Nations Human Development Report.<sup>42</sup>

Social capital is difficult to quantify and consequently the methods I use to account for it are imprecise. The variable Youth Bulge is based on a scale created by the Country Indicators for Foreign Policy<sup>43</sup> which converts the population age zero to fourteen as a percent of the total population into a nine-point scale, where one signifies a low growth rate and nine signifies a high growth rate. This captures demographic stress—population pressures which may increase emigration, especially as laborers move to support their families and ensure better education for their children. I use this variable cautiously due to its fairly high correlation with a number of other control variables, such as, GNI Log, Polity, HIV, and Physical Integrity (*see* Appendix, Table 6). Second, I use the various migration rates as determinants of each other: this serves as an imperfect measure of the educational composition of each state and the “herd behavior” that I expect to see in migration patterns. In using this approach, I must acknowledge the possibility that any relationship between the emigration rates could be spurious; in other words, third party variables might cause the change in both the dependent and independent emigration rates. The correlation between Tertiary Emigration and Secondary Emigration, as well as that between Secondary Emigration and Primary is high. However, the correlation between Tertiary Emigration and Primary Emigration is comparatively low at 0.28 (*see* Appendix, Table 6).

#### **Methods**

I test all of my independent variables against my four dependent variables using an Ordinary Least Squares (OLS) regression for a sample of 105 countries. A regression will demonstrate what extent my variables explain the migration rate and reveal which independent variables are most important in determining each dependent variable.

## Results

I first tested all of my determinants against the total emigration rates for each country (*see* Table 1). Model 1 confirms that a GNI per capita is negatively correlated with migration. Contrary to my predictions, however, emigration actually appears to increase with polity scores and decrease with the prevalence of HIV, though only slightly in either case (for instance, a 5 percent difference in HIV corresponds with only a 1 percent change in emigration, given the first model). Model 2 demonstrates that in the absence of a variable to control for the youth bulge GNI loses significance; potential migrants with the same income may make different decisions based on the varying rate of population growth. This second regression also suggests that *lower* levels of violence facilitate emigration.

Table 2 shows the effect of these same variables on the rate of emigration among people with the lowest levels of education. It is interesting to note that a youth bulge seems associated with diminished rates of emigration; thus, as a population increases more quickly, people in this group migrate slightly less. This may be a result of a higher dependency ratio which cuts deeply into the salaries of those less-skilled workers who might otherwise be eager and able to migrate. In the second model, FDI has a negative, but substantially inconsequential effect on emigration; the most significant determinants are Physical Integrity, HIV, and Polity. Once again, the results contradict my prediction that improvements in democracy and the rule of law will alleviate outward migration pressures and HIV continues to be associated with attenuation in the emigration rate.

For potential migrants with secondary educations my hypothesized variables have little explanatory power, although Polity, HIV, and GNI Log maintain significance (*see* Table 3). Education spending appears to reduce emigration, but not to a large degree. As a government increases the percentage of its total budget spent on education from 20 percent to 25 percent, this will depress emigration for the secondary group by about 0.4 percentage points.

For emigrants with a tertiary education (*see* Table 4), GNI per capita and HIV are the single largest determinants of emigration; a comparison with Model 1 in Table 2 will show that GNI is much more important for tertiary level emigration than for the primary level. As in the previous tests, higher GNI is associated with lower rates of emigration, but migration is also dampened by HIV, such that if HIV prevalence rose from 5 percent to 10 percent in a population, we would expect nearly a 3 percent decrease in emigrants. The dampening effect of HIV on migration is slightly more for the tertiary education level than the primary or secondary levels.

Rates for emigrants with tertiary educations can be better explained with the introduction of the other migration

**Table 1. Regression of Hypothesized Determinants on Total Emigration Rates**

Variable	Model 1: TOTAL EMIGRATION	Model 2: (YOUTH BULGE excluded)
GNI LOG	-0.727** (0.35)	-0.506 (0.31)
FDI INFLOW	-0.00000459 (0.0000061)	-0.00000708 (0.0000060)
POLITY	0.206*** (0.068)	0.236*** (0.064)
MOVEMENT	-0.485 (0.74)	-0.578 (0.72)
PHYSICAL INTEGRITY	0.293 (0.22)	0.435** (0.19)
HIV	-0.216*** (0.059)	-0.255*** (0.052)
YOUTH BULGE	-0.287 (0.21)	
EDUCATION SPENDING	-0.035 (0.021)	-0.038* (0.021)
Constant	22.45** (9.55)	15.03* (7.96)
Observations	105	105
R-squared	0.24	0.23

Note: Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

**Table 2. Dependent Variable: Emigration Rates for Primary Education**

Variable	Model 1: PRIMARY EMIGRATION	Model 2: (YOUTH BULGE excluded)
GNI LOG	-0.446* (0.25)	-0.079 (0.21)
FDI INFLOW	-0.00000758 (0.0000048)	-0.0000117** (0.0000048)
POLITY	0.134** (0.059)	0.185*** (0.056)
MOVEMENT	-0.969 (0.86)	-1.13 (0.83)
PHYSICAL INTEGRITY	0.297* (0.17)	0.533*** (0.16)
HIV	-0.107*** (0.036)	-0.173*** (0.037)
YOUTH BULGE	-0.478*** (0.16)	
EDUCATION SPENDING	-0.012 (0.020)	-0.017*** (0.020)
Constant	15.31** (7.13)	2.94 (5.30)
Observations	105	105
R-squared	0.32	0.27

Note: Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

**Table 3. Dependent Variable: Emigration Rates for Secondary Education**

Variable	Model 1: SECONDARY EMIGRATION	Model 2: (YOUTH BULGE excluded)
GNI LOG	-0.700 (0.43)	-1.161** (0.46)
FDI INFLOW	-0.00000883 (0.0000075)	-0.00000362 (0.0000071)
POLITY	0.310*** (0.11)	0.246** (0.10)
MOVEMENT	0.554 (1.25)	0.751 (1.40)
PHYSICAL INTEGRITY	0.336 (0.33)	0.0395 (0.29)
HIV	-0.427*** (0.13)	-0.345*** (0.087)
YOUTH BULGE	0.601 (0.41)	
EDUCATION SPENDING	-0.0769** (0.038)	-0.0704* (0.036)
Constant	18.44 (12.0)	34.00*** (12.1)
Observations	105	105
R-squared	0.13	0.12

Note: Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

**Table 4. Dependent Variable: Emigration Rates for Tertiary Education**

Variable	Model 1: TERTIARY EMIGRATION	Model 2: (YOUTH BULGE excluded)
GNI LOG	-3.185*** (1.20)	-3.576*** (0.99)
FDI INFLOW	0.0000238 (0.000022)	0.0000282 (0.000019)
POLITY	0.201 (0.35)	0.146 (0.33)
MOVEMENT	2.59 (4.26)	2.76 (4.27)
PHYSICAL INTEGRITY	-0.054 (0.64)	-0.305 (0.49)
HIV	-0.536** (0.21)	-0.465** (0.20)
YOUTH BULGE	0.509 (0.74)	
EDUCATION SPENDING	-0.0248 (0.061)	-0.0549 (0.078)
Constant	89.34*** (32.8)	102.5*** (24.6)
Observations	105	105
R-squared	0.19	0.18

Note: Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

rates as determinants. In Table 4, these rates are significant while HIV and GNI per capita remain good predictors of emigration. As mentioned earlier, the reliability of Model 1 in Table 4 is dubious because of the high correlation between the secondary and tertiary emigration rates. Oddly enough in Model 2, the emigration rate for the lowest education group seems to do a better job at predicting the tertiary rate by itself. My social capital hypothesis held that decisions to migrate would be most influenced by the actions of those with the same or similar education but this regression gives the impression that well educated workers take their cue to migrate from the least educated members of their society. In Model 2, controlling for the other factors, an increase of five in the primary emigration stock corresponds with an increase of 6.6 in the tertiary emigration stock.<sup>44</sup> Perhaps, if a government can decrease emigration among citizens with primary educations, they will also reduce emigration among those of higher education. In Model 4, FDI inflows become significant but where the effect was negative for Primary Education, here the value is positive. Although FDI is not substantively significant, this does reflect the idea that FDI plays a dual role in both facilitating and substituting for emigration. Similarly, where an increase in the Physical Integrity Index correlated positively with overall and primary level emigration, here it appears to do the opposite: a three-point improvement cuts tertiary level emigration by almost three percentage points.

## Conclusions

While my results lend credence to my theory that political and social factors do play a part in migration decisions, it seems unlikely that countries can use political tools to effectively regulate emigration. As most governments are concerned with stemming the brain drain, I would hesitate to derive policy prescriptions from the outcomes presented here; the regressions in Table 1 would suggest that some of the more effective ways to reduce tertiary emigration are to decrease the accountability of government to the voice of its citizens and intimidate or harm the least educated members of society. However, it is encouraging to observe that though higher Physical Integrity scores are associated with higher overall emigration, an increase along this scale *decreases* emigration for the tertiary group, thus, somewhat alleviating the brain drain.

I can confidently refute my sixth hypothesis, which states that rising HIV rates would induce emigration. Although HIV clearly contributes to a decrease in emigration, one should note that it takes a moderately large increase in infection to achieve a small reduction in emigration. Thus, governments still lose fewer workers by fighting the epidemic than by allowing it to escalate and increase mortality in the working population.

The inconsistencies in my results may be due to shortcomings in the data; as Section 4 notes, the data for

Table 5. Dependent Variable: Emigration Rates for Tertiary Education (using primary and secondary emigration rates as determinants)

Variable	Model 1: TERTIARY EMIGRATION	Model 2: (PRIMARY EMIGRATION only)	Model 3: (YOUTH BULGE excluded)	Model 4: (PRIMARY only, no YOUTH BULGE)
SECONDARY EMIGRATION	0.651** (0.33)		0.674** (0.30)	
PRIMARY EMIGRATION	0.349 (0.34)	1.310*** (0.30)	0.277 (0.33)	1.162*** (0.33)
GNI LOG	-2.573** (1.06)	-2.601** (1.13)	-2.771*** (0.81)	-3.485*** (0.94)
FDI INFLOW	0.0000322 (0.000021)	0.0000338 (0.000021)	0.0000340* (0.000019)	0.0000419** (0.000019)
POLITY	-0.0482 (0.32)	0.0246 (0.33)	-0.0718 (0.30)	-0.0660 (0.32)
MOVEMENT	2.569 (4.13)	3.861 (4.23)	2.570 (4.15)	4.066 (4.31)
PHYSICAL INTEGRITY	-0.377 (0.61)	-0.443 (0.61)	-0.483 (0.50)	-0.926** (0.45)
HIV	-0.219 (0.22)	-0.395* (0.20)	-0.184 (0.19)	-0.264 (0.19)
YOUTH BULGE	0.284 (0.82)	1.135 (0.69)		
EDUCATION SPENDING	-0.0063 (0.069)	-0.0452 (0.0786)	-0.0027 (0.0682)	-0.0354 (0.0770)
<i>Constant</i>	71.98** (29.8)	69.28** (30.7)	78.78*** (19.3)	99.13*** (23.1)
Observations	105	105	105	105
R-squared	0.36	0.27	0.36	0.26

Note: Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

primary and secondary education may be far less accurate than the tertiary estimates. In addition, because this test was run for one year rather than over a longer period of time, some of my independent variables may not have had the opportunity to take full effect. A time series model, had enough data been available, might have given a clearer picture. The greatest weakness of this study is that I am likely to be missing one or multiple variables that are critical to decisions to migrate (to OECD countries). Some of these might be difficult to quantify such as levels of nationalism and language or geographical barriers. European countries are situated such that they attract many more migrants from India, Africa, and the Middle East, while large fractions of U.S. immigration come from Mexico, South America, the Pacific, and Asia. Proximity to a developed state makes migration for economic reasons easier and cheaper. In cases where political violence or civil war are push factors, unprepared migrants are likely to move to the next state over, not necessarily to a more economically advanced country—thus, they are not well represented by the Docquier-Marfouk<sup>45</sup> dataset. It is possible that apart from a few common factors, there are so many different variables

affecting migration decisions that none of them will ever become significant in a statistical analysis. Scholars tend to draw unique conclusions from migration case studies, so perhaps the specific interplay of motives behind each case *are* different. If this is true, then quantitative methods will do little to help us understand the brain drain or how to control it. However, my analysis does provide a few interesting and promising results about the varying effects of political and social factors across education groups that warrant further investigation. Additional research could expand on my analysis by testing for other factors which prompt migration or by conducting similar experiments with more refined data on emigration as it becomes available.

Appendix. Table 6. Correlation

	TERT. EMIG.	SEC. EMIG	PRIM. EMIG	GNI LOG	FDI INFLOW	POLITY	MOVE.	PHYS.	HIV	YOUTH	SPEND.
TERTIARY EMIGRATION	1										
SECONDARY EMIGRATION	0.5060	1									
PRIMARY EMIGRATION	0.2823	0.5624	1								
GNI LOG	-0.3617	-0.1377	0.0507	1							
FDI INFLOW	-0.1262	-0.0739	0.0085	0.4939	1						
POLITY	0.0095	0.1785	0.3456	0.3049	0.2152	1					
MOVEMENT	0.0842	0.1713	0.2192	0.1428	0.1467	0.6825	1				
PHYSICAL INTEGRITY	0.0588	0.1217	0.3806	-0.0206	0.2426	0.3504	0.3984	1			
HIV	-0.028	-0.1574	-0.2723	-0.3407	-0.1043	-0.1465	-0.0941	-0.0868	1		
YOUTH BULGE	0.1745	0.0063	-0.4405	-0.5905	-0.2962	-0.515	-0.3554	-0.4436	0.4696	1	
EDUCATION SPENDING	-0.0581	-0.1036	-0.0629	-0.0118	-0.0308	-0.0099	-0.1125	-0.0532	0.0798	0.0758	1

## NOTES

- Sen, Amartya. *Development As Freedom*, New York, Anchor Books, 1999.
- International Organization for Migration (IOM). *World Migration 2005: Costs and Benefits of International Migration*, vol. 3, 2005, [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/books/wmr\\_sec02.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/wmr_sec02.pdf).
- Wade, Robert. *Governing the Market*, Princeton, NJ, Princeton University Press, 1990.
- Patel, Vikram, Jed Boardman, Martin Prince, and Dinesh Bhugra. "Returning the Debt: How Rich Countries Can Invest in Mental Health Capacity in Developing Countries," *World Psychiatry*, 5, June 2006, pp. 67–80; Feeley, Frank. "Fight AIDS as well as the Brain Drain," *The Lancet*, 368, August 2006, pp. 435–36.
- Dei, George J. Sefa and Alireza Azgharzadeh. "The African 'Brain Drain' to the North: Pitfalls and Possibilities," *African Issues*, 30, 2002, pp. 31–6.
- Miyagiwa, Kez. "Scale Economies in Education and the Brain Drain Problem," *International Economic Review*, 32, August 1991, pp. 743–59.
- Ansah, Esi E. "Theorizing the Brain Drain," *African Issues*, 30, 2002, pp. 21–4.
- Sinclair, Michael. "The Brain Drain from Zimbabwe to Canada: The Issue of Compensation Payments," *Issue: A Journal of Opinion*, 9, Winter 1979, pp. 42–3.
- Ite, Uwem E. "Turning Brain Drain into Brain Gain: Personal Reflections on Using the Diaspora Option," *African Issues*, 30, 2002, pp. 76–80; Meyer, Jean Baptiste and Mercy Brown. "Scientific Diasporas: A New Approach to the Brain Drain." Prepared for the World Conference of Science, UNESCO-ICSU, Budapest, Hungary, 26 June–1 July 1999; Akurang-Parry, Kwabena O. "Passionate Voices of Those Left Behind: Conversations with Ghanaian Professionals on the Brain Drain and Its Net Gains," *African Issues*, 30, 2002, pp. 57–61.
- Miyagiwa.
- Akurang-Parry.
- Mountford, Andrew. "Can Brain Drain be Good for Growth in the Source Economy?" *Journal of Development Economics*, 53, 1997, pp. 287–303.
- Martin, Philip L. "Investment, Trade and Migration," *International Migration Review*, 29, Autumn 1995, pp. 820–25.
- Edwards, Alejandra Cox and Manuelita Urceta. "International Migration, Remittances and Schooling: Evidence from El Salvador," *Journal of Development Economics*, 72, 2003, pp. 429–61; Mansurei, Ghazal. "Migration, School Attainment and Child Labor: Evidence from Rural Pakistan," World Bank Policy Research, Working Paper 3945, June 2006.
- McKenzie, David and Hillel Rappoport. "Can Migration Reduce Educational Attainment? Evidence from Mexico," *Development Research Group*, World Bank, Working Paper 3952, June 2006.
- Scott, Bruce R. "The Great Divide in the Global Village," *International Politics*, eds. Robert J. Art and Robert Jervis, 7 ed., Pearson Education, 2005, pp. 311–23.
- Docquier, Frédéric and Abdeslam Marfouk. "Measuring the International Mobility of Skilled Workers (1990–2000)," Release 1.0. Policy Research, Working Paper Series 3381, The World Bank, 2004.
- Johnson, Harry G. "Some Economic Aspects of the Brain Drain," *Issue: A Journal of Opinion*, 9, Winter 1979, pp. 7–14.
- The OECD is comprised of thirty countries of which twenty-four are designated as "high-income" by the World Bank.
- Johnson.
- United Nations Conference on Trade and Development (UNCTAD). "Foreign Direct Investment, Trade and Aid: An Alternative to Migration," *Press Office*, 19 November 1996.
- Aroca, Patricio and W.F. Maloney. "Migration, Trade and FDI in Mexico," *World Bank*, 2002, Retrieved from [http://wbln0018.worldbank.org/LAC/lacinfoclient.nsf/1daa46103229123885256831005cc0cb/521399e1fd73621285256fda007c63cc/\\$FILE/FDI%20and%20migration.pdf](http://wbln0018.worldbank.org/LAC/lacinfoclient.nsf/1daa46103229123885256831005cc0cb/521399e1fd73621285256fda007c63cc/$FILE/FDI%20and%20migration.pdf).
- Martin.
- Datta, Pranati. "Push-pull Factors of Undocumented Migration from Bangladesh to West Bengal: A Perception Study," *The Qualitative Report*, 9, June 2004.
- The White House. *A Decade of Deception and Defiance: Saddam Hussein's Defiance of the United Nations*, 2002, <http://www.whitehouse.gov/news/releases/2002/09/20020912.html>.
- Cave, Damien. "Cheated of Future, Iraqi Graduates Want to Flee," *New York Times*, final edition, 5 June 2007.
- IOM.
- Martin.
- Miyagiwa
- Barclay, Anthony. "The Political Economy of Brain Drain at Institutions of Higher Learning in Conflict Countries: Case of the University of Liberia," *African Issues*, 30, 2002, pp. 42–6.
- Lowell, B. Lindsay. "Policy Responses to the International Mobility

- of Skilled Labor," *International Migration Papers*, 45, Geneva, International Labor Office, 2001.
32. Carrington, William J. and Enrica Detragiache. "How Extensive is the Brain Drain?" *Finance & Development*, 36, June 1999, at <http://www.imf.org/external/pubs/ft/fandd/1999/06/carringt.htm>.
  33. Beine, Michel, Frédéric Docquier and Hillel Rapoport. "Brain Drain and LDCs' Growth: Winners and Losers." *IZA Discussion Paper 819*, July 2003, <ftp://repec.iza.org/RePEc/Discussionpaper/dp819.pdf>.
  34. Adams, Richard H. "International Migration, Remittances and the Brain Drain: A Study of 24 Labor-exporting Countries," World Bank Policy Research, Working Paper, June 2003.
  35. Docquier and Marfouk.
  36. Dei and Azgharzadeh.
  37. World Bank Group. *The World Development Indicators*, 2000.
  38. United Nations Conference on Trade and Development (UNCTAD), 2006.
  39. Martin.
  40. Center for International Development and Conflict Management. *Polity IV Project*, 2005, at <http://www.cidcm.umd.edu/polity/>.
  41. Cingranelli, David L. and David L. Richards. *The Cingranelli-Richards (CIRI) Human Rights Dataset*, 2007, <http://www.humanrightsdata.org>.
  42. United Nations. *Human Development Report*, 2000.
  43. Carment, David. *Country Indicators for Foreign Policy*, 2003, <http://www.carleton.ca/cifp/rank.htm>, accessed 11 May 2007.
  44. Note that in practical terms, increasing or decreasing emigration refers here to increasing or decreasing the percent of the native population that is living abroad. Thus, "reducing migration rates" refers to repatriating that percentage of the workforce, while "increasing migration rates" means that an additional percentage of the native population moves abroad.
  45. Docquier and Marfouk.



# Rushin' to Join: The Case Of Russia's Accession to the Council of Europe and the European Court of Human Rights

*Kasey Clemans*

On 25 December 1991, the Soviet Union was dissolved. This event left fifteen republics, once united in a powerful superpower structure, independent. Upon independence, Russia quickly moved towards membership in the Council of Europe (CE) and, therefore, became subject to the judgments of the European Court of Human Rights (ECHR). In light of the court's history,<sup>1</sup> and internal ethnic tensions in the Caucasus region, one might wonder why Russia was so quick to voluntarily yield some of its sovereignty to an international human rights institution. This paper will show that Russia's move to join the ECHR was primarily motivated by Boris Yeltsin's efforts to legitimize his own rule.

## Significance

Besides my personal interest in Russia and human rights, why should anyone else care about Russia's reasons for joining the ECHR? First, given Russia's past as a communist country and its rough-and-tumble transition to democracy, one might be curious as to why Russia was so eager to join a strong international institution like the ECHR.<sup>2</sup> What did Russia have to gain by locking itself into an international institution and surrendering some of its sovereignty? Second, most of the literature on Russia's relationship with the CE and the ECHR focuses on what has transpired since Russia joined the CE and ratified the ECHR. This paper will fill a gap in the literature by shedding some light on the factors which pushed Russia to join the CE and ratify the ECHR. Furthermore, understanding why Russia joined the ECHR may provide insights into whether or not Russia is likely to comply with CE decisions and ECHR rulings, and how Russia might best be influenced on human rights and democracy issues. Finally, this paper may also broaden our understanding as

to how newly democratic states function and what the best approach may be to incorporate them into the international human rights regime.

## Theories

The formation and willingness of states to participate in strong international institutions typically starts with the perspective that states are rational unitary actors. They view human rights enforcement as a desirable outcome within other states (at least) as well as in their own polity (at best), but each state faces incentives to defect on its own human rights protection when it wants to achieve another of its state goals. In order to overcome the tendency to defect, states set up an international institution to handle human rights enforcement for them. In this way, they all benefit from centralization, monitoring, and reduced transaction costs.<sup>3</sup> Caroline Fehl points out that sovereignty costs are the major concern of states functioning as rational actors. States do not want to give up control over domestic policy, particularly if it affects how they interact with their citizens.<sup>4</sup> This theory as applied to new democracies might suggest that new democracies do not have the institutions to protect human rights or the means to develop them. In order to fill this gap, they may sign on to an international institution to benefit from the existing mechanism.

Andrew Moravcsik's theory of "republican liberalism" postulates that new, unstable democracies will yield sovereignty to an international institution because they want to "lock-in" democratic practices.<sup>5</sup> This occurs because policymakers in a new, unstable democracy have no guarantees about how long their government will retain power; therefore, they seek to prevent a change in policy in the future by yielding sovereignty over human rights policy to an international institution. Moravcsik

points out that states faced with the idea of yielding sovereignty will most likely oppose it because they want to maintain short-term control over policy. States are only likely to yield sovereignty if they value greater political certainty in the future more than short-term control over policy. Thus, new, unstable democracies should be far more eager to join binding international institutions than established democracies.<sup>6</sup>

Edward Mansfield, Jon Pevehouse, and Emilie Hafner-Burton, building on Moravcsik, also suggest that new democracies will be more likely to join international organizations (IOs) protecting human rights than established democracies. Where Mansfield, *et al.* differ from Moravcsik is that they expect new democracies to join IOs because these states also want to signal to their own citizens, as well as the international community, about their intentions of being a democracy in the future.<sup>7</sup> This signaling helps the state consolidate its position as a democracy, showing that its democratic actions go beyond words. Mansfield, *et al.* also propose that new democracies join IOs because they are responding to positive incentives from established democracies.<sup>8</sup>

An alternate theory, put forth by Jay Goodliffe and Darren Hawkins, proposes that states join human rights regimes because they want to keep good relations with states on whom they are dependent for various resources. This dependence varies in intensity based on how much value the given state places on the particular resource, and how many alternatives they have for procuring that resource. The underlying logic is that if state A supports an international human rights institution, and state B depends on A for a critical resource, then B will be inclined to accept the human rights institution so as to preclude any possible sanctions from A.<sup>9</sup> Goodliffe and Hawkins go beyond looking at bilateral relations between states to viewing states as members of networks with other states. A clear explanation of why this may be important follows. Given two states C and D are both new democracies, suppose that C is almost entirely dependent on A for a crucial resource. In this situation, C will care strongly about A's views on a particular human rights enforcement mechanism. Now, suppose D is dependent on a variety of states including A. States C and D are both dependent on A, but the degree of that dependence is different. Because of that difference in dependence, C and D may have different attitudes towards the particular human rights institution favored by A. For newly established democracies to yield sovereignty to an international human rights institution, the proportion of their ties to states favoring the institution must be greater than the proportion of their ties to those states that do not favor the institution.

In his article, Moravcsik cites a realist perspective that changes the dependence relationship above from one based on anticipation by the dependent state, to one of

coercion by a stronger state or group of stronger states.<sup>10</sup> Hans Morgenthau, E.H. Carr, and others claim that powerful states force weaker states to make decisions in line with the powerful states' interests. Applied to new democracies becoming members of an international human rights institution, this theory would expect them to be intimidated by their more powerful cousins and submit to the powerful states' demands that they join the particular institution.

In contrast to the realist perspective, there are a number of idealist approaches to explaining states yielding sovereignty to international human rights institutions. These approaches would have us believe that some governments are altruistic and recognize the value of human rights and make the decision to join an IO because it will further advance the cause of human rights. Less altruistic states may be influenced by domestic groups and nongovernmental organizations (NGOs) to the point where they believe in the norms and move to enforce them through an IO.<sup>11</sup>

Thomas Risse and Kathryn Sikkink propose that states are socialized into enforcing human rights through interactions with the domestic and international community. These groups confront the particular state and publicize its human rights abuses. The state, intent on preserving its current policy, may deny the claims of international actors as interference in its sovereignty.<sup>12</sup> If faced by domestic actors, the state may choose to repress them. Domestic groups may be able to draw international attention to the human rights abuses of the given government. With time, the state will begin to make instrumental changes designed to appease observers without really changing the status quo.<sup>13</sup> The fact that the state makes any changes whatsoever lends support to the human rights movement and increases its legitimacy. Gradually, the state will begin to engage human rights activists and international actors in a dialogue over what it should do about human rights. Finally, the state will sign on to various international conventions that protect human rights and work to ensure that the rule of law consistently applies to human rights violations.

Risse and Sikkink's point about states making instrumental changes is further extended by Darren Hawkins.<sup>14</sup> Hawkins suggests that governments may make instrumental changes to their human rights policies because they are seeking legitimacy. Furthermore, governments are not solely concerned with their domestic legitimacy but also with their international legitimacy. They have three reasons for their concern: First, support from other states strengthens the government's right to rule a given state. New governments do not want to be seen as vulnerable or insecure by their rivals. Second, governments are social entities. As an international community, governments have accepted standards of behavior to which all legitimate governments must adhere. As Martha Finnemore and Sikkink put it, "a state which wants to define itself as a member of the commu-

nity must act in accordance with the standard of appropriate behavior in the community."<sup>15</sup> Third, governments perceived as illegitimate may be subjected to international sanction. Furthermore, a lack of support from the international community might engender greater opposition domestically. Hawkins continues with a list of behaviors that legitimacy-seeking governments are likely to exhibit. They may change government practices with respect to human rights by eliminating murders or disappearances, ending exile, pardoning political prisoners, and removing government officials who have clearly violated human rights norms. Additionally, governments may institute a number of surface level changes to "show" that they are doing more to protect human rights. Among these are creating a new government office to protect human rights, drafting a new constitution that includes human rights as a basic tenet, increasing the independence of judicial institutions, and improving security and/or intelligence agencies. The important feature about all of these changes is that they are meant to look good to international observers while maintaining the government's control.

Another related explanation for Russia joining the ECHR is that the CE signaled Russia that membership in the CE and ratification of the ECHR were not costly. Pamela Jordan<sup>16</sup> claims that the CE is the "European organization with the fewest demands on its new entrants." Perhaps Yeltsin recognized this and moved to become a member assuming that membership would entail few costs. One example of a signal would be current CE members not living up to their human rights commitments.<sup>17</sup> This would show that the CE does little more than talk about human rights and is not dedicated to ensuring human rights' provision in member states.<sup>18</sup>

Finally, there is the possibility that bounded rationality may offer insights into why a state may join a strong human rights institution. Bounded rationality begins with the premise that the rational faculties of human beings are limited in terms of how much information they can sort through in a given period of time. When decision makers are confronted with more information than they have time to evaluate, they are inclined to employ "inferential shortcuts" or "cognitive heuristics" to arrive at a decision more quickly.<sup>19</sup> In his article, Kurt Weyland evaluates the use of cognitive heuristics to explain policy diffusion. He states:

A bold innovation attracts disproportionate attention from neighboring countries; it is then widely adopted on the basis of its apparent promise, not its demonstrated success. Large numbers of countries also import the basic policy framework without thoroughly assessing its fit with their specific requirements and needs.<sup>20</sup>

In the current context, the policy in question is membership in the CE and the ECHR. Bounded rationality suggest that one state made a bold move by joining the CE and

ECHR and that others followed without really considering the long-term effects of such an action. In connection with the initial policy decision, there are both temporal and geographic patterns of diffusion. The temporal pattern indicates that a policy will be slowly adopted at first, followed by a rapid increase in the number of states adopting it, and finally conclude with a plateau as most states have either joined or decided not to based on updated information about the consequences of the policy. The geographic pattern demonstrates that the policy originates in one state and spreads outward through neighboring states.

In addition to these patterns, bounded rationality also suggests that states make the decision to pursue the policy in question based on limited information about the consequences of such a policy. They tend to look more at the potentially positive effects of a given policy rather than waiting to see how it functions in practice. Furthermore, in adopting the given policy, states tend to apply the policy quite similarly to the initial state's method despite varying political structures and social conditions. Even if the policy is changed by the state adopting it, it will look more or less like the original. This is true because the original form of the policy biasing the other states' perceptions of that policy in such a way that they do not realize that there may be other methods for solving the particular problem. Although states adopting the policy may change certain parts of it to meet their needs, the policy adopted by successive states tends to strongly resemble the original policy adopted by the first state.

### Hypotheses

I expect that Russia's move to join the ECHR was motivated not by Moravcsik's theory of republican liberalism, but by Yeltsin's efforts to secure his own position. Yeltsin wanted to bolster the legitimacy of his regime through democratic reforms. At the time of independence, Russia had seen the collapse of an ideology that had reigned supreme for more than seventy years. This collapse spurred Russia's quest for a new identity as a democratic republic. As the democratically elected President of Russia, Yeltsin was in the perfect position to lead the charge to democracy. He knew that by pursuing democratic reforms he could show the world that Russia wanted to become a democracy. He also knew that by pursuing such a course he could count on the support of the world's most powerful states. In attempts to make Russia a more democratic state, he made a number of policy decisions in line with patterns of behavior of existing democracies. One of these decisions was to pursue membership in the CE.

I also expect that Yeltsin and his advisors did not anticipate the costs associated with joining the ECHR. This would be explained by political leaders following what other democratic states had done without sufficient time to understand what would be required of Russia. Another

possibility is that Russia understood the costs and was led by CE signals to believe that they were insignificant. Russia became an observer of the CE in January 1992 and applied for membership in May of that year. With less than five months between the end of the Soviet Union and the submission of Russia's application in the CE, circumstances seem indicative of Russia making a quick decision based on other states behavior as opposed to signals from the CE.

Finally, I reject a number of alternative theories for why Russia would join the CE and ECHR. First, Russia was not forced to join the ECHR by other more powerful states. Perhaps other states did offer positive incentives as Mansfield *et al.* suggest, however, the drive for Russia's membership in the ECHR was not initiated by other states, but by Russia itself. Moreover, I reject Moravcsik's idea that Russia's leaders sought to "lock-in" human rights enforcement out of political uncertainty in the future. While they were indeed in an uncertain position, they did not seek to tie the hands of some future governing collective. Instead, Yeltsin was taking advantage of a Western desire to see a democratic Russia.

### Methods/Approach

In determining whether my hypotheses were correct, I evaluated Russia's actions starting with its efforts to join the CE. I followed Russia's membership application from the beginning of 1992 up until 1996 and then continued onward to its ratification of the ECHR in 1998. Then, I followed Yeltsin's behavior until he stepped down in 1999. Direct evidence from Yeltsin's cabinet meetings and records of State Duma discussions were unavailable, so I relied heavily on the newspaper articles and reported interviews with Russian politicians. I also reviewed relevant scholarship on Russia's relationship with the CE. Particularly, the work of Emma Gilligan was invaluable in following the development of human rights protections in Russia.

### Evidence

#### 1. Lock-in

Moravcsik's theory of "republican liberalism" postulates that new, unstable democracies will yield sovereignty to an international institution because they want to "lock-in" democratic practices.<sup>21</sup> This occurs because policymakers in a new, unstable democracy have no guarantees about how long their government will retain power; therefore, they seek to prevent a change in policy in the future by yielding some sovereignty over human rights policy to an international institution. Moravcsik points out that states faced with the idea of yielding sovereignty will most likely oppose it because they want to maintain short-term control over policy. States are only likely to yield sovereignty if they value greater political certainty in the future more than short-term control over policy. Thus, new, unstable democ-

racies should be far more eager to join binding international institutions than established democracies.<sup>22</sup>

First, the events which took place in Russia from 1992 to 1993 demonstrate that Russia is clearly a new, unstable democracy. With the August 1991 coup attempt against Mikhail Gorbachev and the collapse of the Soviet Union in December 1991, Yeltsin began 1992 as the President of a newly independent Russia. Yeltsin enjoyed a great deal of popular support for standing in front of the tanks in opposition to the August coup and for being elected by the people as the President of Russia. However, his administration was not the only major force in Russian politics. His regime faced daunting opposition from Vladimir Zhirinovskiy, head of the nationalist Liberal Democratic Party, as well as opposition from a congress where Communist deputies filled 85 percent of the seats. Yeltsin's main rival for control of Russian politics was Speaker Ruslan Khasbulatov of the Congress of People's Deputies. These leaders competed for primacy in an unsure arena. As a result, the battle between the president and the parliament pushed the country into a constitutional crisis. As Richard Sakwa states, because of a 1990 amendment to the 1978 Russian constitution, "both the executive and the parliament were given supreme state power. Russia was de jure a parliamentary republic but de facto became a presidential republic."<sup>23</sup> As a result, both parliament and the president sought to strip the other institution of its authority. At the Eighth Congress in March 1993, Khasbulatov and the parliament stripped Yeltsin of most of his powers and made it possible for his administration to bypass him in introducing legislation.<sup>24</sup> Yeltsin responded by proceeding with a national referendum asking Russians about their support for his reform policies and when they felt elections should be called for the president and for the parliament. This referendum renewed Yeltsin's popular support. He used his new mandate to convene a constitutional assembly. Unfortunately, once the draft was completed, parliament still did not pass it. Finally, on 21 September 1993, Yeltsin issued decree No. 1400 "On Gradual Constitutional Reform in the Russian Federation." This decree dissolved the Supreme Soviet and Congress of People's Deputies and transferred the responsibilities of parliament to the newly created Federal Assembly with the Federation Council becoming the upper house and the State Duma the lower house. Elections for the State Duma were scheduled for 12 December 1993. The legislature's response to Yeltsin's actions was armed revolt and refusal to leave the White House. Amid protests and demonstrations, Yeltsin succeeded in convincing the military to intervene and stop armed supporters of parliament from seizing various assets across the city. Khasbulatov and other rebel leaders surrendered and were imprisoned. According to Sakwa, these actions "complet[ed] the revolution of August 1991. Neither the

banning of the Communist Party, nor the dissolution of parliament were strictly speaking constitutional acts, but while deficient in legality, *they clearly commanded a high degree of public legitimacy*.<sup>25</sup> The people turned out for the 12 December 1993 elections and voted in favor of adopting the new constitution. This new constitution resolved the constitutional crisis by increasing the powers of the presidency and clarifying the roles of the executive and the new Federal Assembly.

The purpose of the historical account above is to demonstrate that Russia fits Moravcsik's definition of a new, unstable democracy. Its institutions were weak and clearly contradictory. Furthermore, Yeltsin and other reformers faced bitter opposition from within the parliament. Having established that Russia is a new, unstable democracy, let us see if there is evidence to support Moravcsik's idea of republican liberalism.

Moravcsik's argument implies a greater concern for policy implementation than for the current regime to maintain control over human rights. Given that premise, we should see Yeltsin and his administration pursuing policies that entrench human rights protection in the Russian system. They would be looking for ways to force their potential successors to support human rights. We should also see Russia pursuing additional avenues for locking in human rights protection such as joining other human rights institutions beyond the ECHR. Furthermore, if Moravcsik's argument about new, unstable democracies is correct and Yeltsin's regime was seeking for long-term certainty in human rights enforcement, then we should expect Russia to have joined the ECHR and other human rights institutions rapidly.

#### Declaration on the Rights and Liberties of Man and the Citizen

My research has shown that Yeltsin did pursue other methods of incorporating human rights into domestic policy. Part of his 1993 draft of the constitution was Section Two, "On the Rights and Liberties of Man and the Citizen." This document had been under development since 1990 under the auspices of the Human Rights Committee of the Congress of People's Deputies. Despite the efforts of Yeltsin and members of the Human Rights Committee, the CPD refused to accept the document as a binding declaration within the ramifications of the constitution. With the dissolution of parliament, the full version of "The Declaration of the Rights and Liberties of Man and the Citizen" was included in the 1993 constitution and later ratified. This document laid the foundations for human rights in Russia. Its main provisions included the right to life and protection against torture; the right to a fair trial, presumption of innocence of defendants, prohibition of forced labor; freedom of association, peaceable assembly, thought, conscience, and religion; and the right to participate in state politics by electing and being elected.<sup>26</sup>

#### Human Rights Commissioner

In addition to including a Bill of Rights for the Russian people, the new constitution created a human rights commissioner. The commissioner was given three responsibilities: 1) investigate human rights abuses, 2) pressure state organs to improve legislation on human rights, and 3) educate citizens about their human rights and how to defend them.<sup>27</sup> The commissioner was to be appointed by the State Duma and was to act according to a forthcoming federal constitutional law. Yeltsin signed the "Federal Constitutional Law on the Commissioner for Human Rights in the Russian Federation" into law on 26 February 1997. It clarifies the role of the commissioner and grants him a number of protections from other government institutions. Among these, Article 12.1 states:

The Commissioner possesses inviolability for the course of the entire term of his powers. Without the consent of the State Duma, he cannot be prosecuted under criminal or administrative charges, be subject to court procedures, be detained, be arrested, be subject to searches, excluding cases of detention at the scene of a crime, or be subject to personal interrogation, excluding cases when this is stipulated by federal law for the defence of the security of other persons. The inviolability of the Commissioner applies to his residential and work premises, baggage, personal and work means of transport, correspondence, means of communication used by him, and documents belonging to him.<sup>28</sup>

Unless prosecuting authorities receive permission of the State Duma within twenty-four hours, the commissioner must be released even if the commissioner is located at the scene of a crime. The creation of the office of human rights commissioner and the successive passing of further legislation to strengthen the position shows that Yeltsin's regime sought to increase the degree to which human rights were protected in domestic legislation.

#### Presidential Human Rights Commissioner

As a result of the dissolution of the CPD, the Human Rights Committee, which was part of that body, was dissolved as well. Five days after dissolving parliament, Yeltsin created a new Presidential Human Rights Commission. This commission's purpose was to establish the core upon which the human rights commissioner's office would function once the necessary constitutional law was passed. Upon installment of the human rights commissioner, the Presidential Human Rights Commission would remain as an advisory body to the president. Because the Presidential Human Rights Commission was a temporary structure from the beginning, few politicians took it seriously. Its position in Russian politics was further damaged by the failure to adequately handle the first real case it investigated.<sup>29</sup> It was also heavily criticized for its leaders' lack of organization.

### Ratification of the ECHR

Another point of evidence in support of Moravcsik's argument is the relative speed with which Russia ratified the ECHR once it became a member of the CE. Russia was admitted to the CE on 28 February 1996. Deliberation over the Convention for the Protection of Human Rights and Fundamental Freedoms lasted just over two years. Primary concerns of delegates in the State Duma were over existing legislation which would need to be amended.<sup>30</sup> They also expressed doubt over the Russian legal system's ability to meet international standards.<sup>31</sup> In general, however, the representatives favored adoption of the convention. Their concerns are best viewed as a desire to fulfill commitments entered into, rather than reservations about the convention. The reservations entered upon ratification of the convention state that they are only in effect until such time as domestic legislation can be brought into agreement with the convention.

### Death Penalty

One significant example of Yeltsin's personal efforts to enhance human rights protection is his repeated attempts to eliminate the death penalty. Parties to the Convention for the Protection of Human Rights and Fundamental Freedoms are also expected to ratify Protocol 6 which abolishes the death penalty. When the State Duma ratified the convention in April 1997, it discussed Protocol 6, but ultimately did not ratify it for fear that public sentiment in Russia was against abolishing the death penalty. In July of that year, Yeltsin submitted an amendment to allow death sentences to be carried out only if they are approved by the prosecutor general and the supreme court chairman.<sup>32</sup> In January of 1998, Yeltsin signed an amendment to the penal code which would force him to review the cases of all those sentenced to death, even if they had not requested clemency.<sup>33</sup> A few weeks later, the Supreme Court ruled that the death penalty could no longer be exacted except by jury.<sup>34</sup> However, the jury system was only implemented in nine of the eighty-nine regions, so the court put a moratorium on the regions with the jury system as well until such time as it could be introduced in all regions. This effectively placed a moratorium on the use of the death penalty. However, that was not enough for President Yeltsin. In June 1999, he signed a decree which commuted existing death sentences to prison terms.<sup>35</sup> Finally, in August 1999, just three months before he stepped down, Yeltsin renewed efforts to push ratification of Protocol 6 through the State Duma. However, the State Duma did not follow through on the proposed legislation, and Protocol 6 remains unratified by Russia to the present day. Yeltsin's efforts to abolish the death penalty in Russia were numerous and frequent. He used every means available to act in accordance with the ideals of the CE to keep people from being executed.

Lingering questions remain about Yeltsin's true intentions. Did he genuinely care about human rights? Was his obedience to CE requirements based on a desire to protect human rights or was it based on his own desire for international legitimacy? Was the war in Chechnya an exception to the rule or the exposure of his true character? Were concerns over maintaining his position as president in the 1996 elections a driving force behind his actions in Chechnya? The next section will examine available information in an effort to resolve these questions.

### *II. Legitimacy*

An alternative explanation to Moravcsik's idea of "lock-in" is that Yeltsin pursued human rights reforms as a method for boosting his own popularity and legitimacy. By joining the CE, Yeltsin could, as Jordan states, "legitimize [his] new regime."<sup>36</sup> Yeltsin was most concerned with his own political career and, therefore, sought ways to influence how he was viewed abroad. The purpose of joining the CE was to garner support from the international community that would strengthen him against domestic political opponents. Yeltsin was a political opportunist who boldly gambled by opposing the coup in 1991, and later capitalized on the dissolution of the Soviet Union. January 1992 found him in the perfect position to take advantage of international naiveté. To all Western observers, the evil empire had finally fallen. They could only hope that from the remnants of the superpower would be born a new democracy.

During his two terms in office, Yeltsin made use of his image as a democratic reformer on the world stage. He knew that by acting the part of a democratic leader, he would garner tremendous support from the most powerful and wealthy states in the world. In terms of Russian domestic political structures, Yeltsin faced tremendous opposition from Communist and Nationalist factions within the parliament. Preeminent among parliamentarians was Speaker Ruslan Khasbulatov. As previously mentioned, Khasbulatov spent 1992 and 1993 vying for political supremacy in Russia. In the end, Yeltsin went around the existing constitution to disband the Supreme Soviet and the Congress of People's Deputies. Furthermore, he called out the military and urged them to attack the holed-up parliamentarians in the Russian White House. This debacle resulted in the deaths of 146 people in a single day.<sup>37</sup> Although many Russian citizens strongly disliked their parliamentary leaders, they still criticized Yeltsin for the violent manner in which he handled the situation. Despite the negative impact on Yeltsin's domestic legitimacy, he went on almost unscathed in the international scene. The Council of Ministers' statement is particularly striking:

We, Heads of State and Government of CE member States . . . express our deep concern over recent events in the Russian Federation. We deplore the heavy loss

of life which resulted from the resort to violence, *provoked by opponents of reform.*

We declare our *solidarity with the supporters of the reforms under the leadership of President Boris Yeltsin* and express hope that the process of democratization will be continued with determination.<sup>38</sup>

In spite of the fact that his methods in resolving the conflict were both violent and unconstitutional, the CE supported Yeltsin and believed that by so doing they were supporting democratic reforms. The rest of this section will demonstrate how Yeltsin used human rights to foster his own political security.

### Elections

One of the stipulations for membership in the CE was that Russia held free and fair elections. Yeltsin did this in accordance with the stipulation of the council. Initially, the agreement Yeltsin made was that both presidential and parliamentary elections would take place. But after the parliamentary elections of December 1993, Yeltsin managed to forget to hold presidential elections six months later as he had promised.<sup>39</sup> This shows that Yeltsin complied entirely with the council's requirement, but was able to renege on a related promise he had made in domestic circles to hold presidential elections. Thus, he was able to reduce his chances of being removed from power and he gained additional international legitimacy.

### 1993 Constitution

In conjunction with the elections, there is the issue of the 1993 constitution itself. When Yeltsin disbanded parliament, he was able to put forward his own draft of the constitution for the December 1993 referendum. This version of the constitution included the previously mentioned "Declaration of the Rights and Liberties of Man and the Citizen." Besides including protection of human rights in the document, Yeltsin added a number of key features to bolster the power of the president relative to the parliament. Among these were the power of the president to issue legally binding decrees not subject to State Duma approval and the power to dissolve parliament if they rejected his nomination for prime minister three successive times. The strength of the president was a major concern for parliament during the 1993 battle over constitutional reform. They feared that such a powerful presidency in the wrong hands would leave Russia under the control of an autocrat. While the 1993 constitution did not force Yeltsin to choose between including human rights protections and his own political gain, it is illustrative that he was adept at pursuing human rights while at the same time improving his political prospects.

### Presidential Human Rights Commission Revisited

Besides looking at the Presidential Human Rights Commission as a positive step towards entrenching human

rights in Russia, it may also be viewed from the standpoint of Yeltsin's own political interests. When Yeltsin disbanded the parliament, its Human Rights Committee also ceased to exist. This void left Yeltsin with the opportunity to create a new institution that was both within his administration and entirely dependent upon him for support. A noteworthy case that demonstrates the failure of the Presidential Human Rights Commission to improve the application of human rights practices surfaced when Yeltsin issued the "Decree on Banditry." Contrary to the constitution, the decree allowed searches without warrants, detention without appearing before a judge or even being charged for up to thirty days, wire taps, and access for law enforcement personnel to banking and commercial documents of suspected criminals without a warrant.<sup>40</sup> In response to this decree, Sergei Kovalyov, head of the Presidential Human Rights Commission, made impassioned pleas to Yeltsin via letters, a television interview, and a vigorous press campaign against the decree. Yeltsin's only response was to allow Kovalyov to form a monitoring group. This episode marks a turning point in Yeltsin and Kovalyov's relationship from two men united by principles, to two men divided by politics.

Why would Yeltsin, a champion of human rights, not intervene once he understood the ramifications of his decree? The answer is simple: crime. At this time, politicians across the spectrum were concerned about the rampant increase in criminal activity. From 1988 to 1994 the number of registered crimes rose from 1,220,362 to 2,632,708, an increase of more than 200 percent in six years time.<sup>41</sup> Large segments of the population were concerned over crime and wanted to see public officials take decisive action against it. Yeltsin knew this and decided to issue the aforementioned decree. His act shows once again that political expediency is more important to him than bolstering human rights. He refused to even entertain the idea that law enforcement could be improved without resorting to violating the citizen's human rights.

### Chechnya

Up until 1994, Yeltsin's administration had a decent record on human rights. There were still rampant human rights abuses across the country, but Yeltsin was actively working with Kovalyov and other human rights advocates to address these issues. With the beginning of the first Chechen War in November 1994, Yeltsin and Kovalyov began moving in different directions. Yeltsin was deeply concerned over public opinion and could not afford to appear soft on crime or separatism. Kovalyov was determined to see that human rights were protected. When Russian troops began attacking Chechnya, Kovalyov decided to go to Chechnya to see what was going on. His efforts to get to Chechnya were repeatedly blocked. First, he was unable to book seats on a flight to the Chechen

capital Grozny. Then, the First Vice-Premier called to inform him that he could get Kovalyov and his working group seats on a plane the following day. However, there were only five seats available. In choosing who would go, Kovalyov made certain that he had representatives from across the political spectrum in his party so that the majority of Duma legislators would be willing to listen to the working group's conclusions. On their way to Chechnya, the plane was told that they would not be able to land in Mozduk, because of ice on the runway and were instead diverted to Chkalovskaya. When they arrived, they saw a mail carrier plane that was headed to Mozduk, but were refused permission to take the flight. The next day the group was turned back yet again. Finally, they went to a civilian airport and took a flight landing them within driving distance of Chechnya and then made the rest of the trip by car. The lengths that Kovalyov and his team were forced to go to in order to get to Chechnya indicate that some leaders in Moscow did not want them to see what was actually happening in Chechnya.

Upon arrival in Chechnya, Kovalyov and his working group were stunned by the lack of effort made for constructive dialogue. Even more troubling was the lack of provisions made by Russian forces to allow civilians to flee Grozny. Before any attempt at dialogue was made, Russian aircraft began bombing the city. Kovalyov pointed to numerous bombs and rockets that hit civilian areas of the city where there were no military installations. His impassioned pleas to Yeltsin to stop the bombing and to attempt to resolve the issues without resorting to force went unheeded. At this point Yeltsin was actively supporting positive propaganda about the war effort in Chechnya. In contrast, Kovalyov and his working group were doing all they could to disseminate information on the human rights abuses—particularly the high levels of civilian casualties in Chechnya. Besides ignoring Kovalyov's pleas, leaders back in Moscow began an intensive campaign vilifying Kovalyov as a dissident. Upon his return to Moscow, Kovalyov asked for a meeting with Yeltsin and was rejected. Upon threatening to reveal to the press that the president had refused to meet with him, Yeltsin's aide called back a short time later and set the meeting for the following day.

The meeting between Yeltsin and Kovalyov provided the final break between the two actors who had worked together on human rights issues many times previously. Kovalyov stressed the impact the bombings were having on the civilian population and Yeltsin responded that Kovalyov had poor information and that the bombings had stopped. Yeltsin made it clear that he would not be working with Kovalyov to resolve the Chechen conflict or its attendant human rights abuses.<sup>42</sup> For the first time, Kovalyov had to go outside of the presidency to find support for his efforts to end human rights abuses. He decided to work

through Prime Minister Viktor Chernomyrdin. He sent Chernomyrdin a proposal for a cease-fire in Chechnya. A few days later, Chernomyrdin presented the proposal to the Chechen side via a television broadcast. On the 17<sup>th</sup> of January, Chernomyrdin met with Chechen representatives in Moscow. They decided that the cease-fire would begin the following day at 5 p.m. Despite these efforts, Russian military leaders did not show up for scheduled meetings with Chechen officials on the 18<sup>th</sup> of January. Furthermore, Yeltsin issued a statement saying he was not willing to negotiate with Dzhokhar Dudayev, leader of the Chechen forces, because Dudayev was committing genocide against his own people.<sup>43</sup> Fighting commenced again the following day.

In a last-ditch effort to stop the violence in Chechnya, Kovalyov brought the case before the Constitutional Court. The key issue was a secret decree which Yeltsin had issued on 30 November 1994 to institute a state of emergency in Chechnya. The entire military campaign in Chechnya was based on this decree. Because Yeltsin issued the decree in secret, he had violated constitutional provisions which required that the State Duma approve any declaration of a state of emergency. The situation was further complicated by Yeltsin's secret rescindment of the decree, on 5 December, after he signed the Organization of Security and Co-operation in Europe's (OSCE) Code of Military-Political Aspects of Security. By signing this document, Yeltsin agreed that "any decision about the direction of its armed forces for the execution of internal security will be taken in accordance with constitutional proceedings."<sup>44</sup> Yeltsin then made another decree without any mention of a state of emergency on 9 December. In its ruling, the Constitutional Court rejected references to the 30 November decree because it had now been abolished. Furthermore, the court supported Yeltsin's right to "ensure state security."<sup>45</sup> The court also said that the 9<sup>th</sup> of December decree did not violate the constitution and recommended that the State Duma pass a more comprehensive set of laws for governing the use of Russian military within Russia.<sup>46</sup> In summary, Kovalyov's last hope for correcting human rights abuses by the Russian military failed to produce any change.

In response to his defeat before the Constitutional Court and Yeltsin's unyielding devotion to continued military action in Chechnya, Kovalyov tendered his resignation on 23 January 1995. The text of his resignation letter to President Yeltsin follows:

You began your democratic career as a forceful and energetic crusader against official deceit and Party despotism, but you are ending it as the obedient executor of the will of the power-seekers in your entourage . . . I considered myself obliged to remain in your administration as long as my status enabled me on occasion, even if only in isolated instances, to counteract government policies that had violated human

rights and humanitarian values. Perhaps even now such opportunities have not been totally exhausted. But I can't go on working with a president whom I believe to be neither a supporter of democracy nor a guarantee of the rights and liberties of my fellow citizens. I hereby inform you that, as of today, I resign as Chairman of the President's Human Rights Commission, as a member of the Presidential Council, and as a member of all other presidential bodies.<sup>47</sup>

Kovalyov's resignation is a stunning indictment of Yeltsin and his policies. Until the conflict in Chechnya began, Yeltsin appeared to be a stalwart supporter of human rights initiatives, often pushing them forward in the face of tremendous opposition from the State Duma. He worked together with Kovalyov on a wide variety of issues. They succeeded in including a Bill of Rights in the December 1993 constitution. I cannot help but agree with Kovalyov's assessment of Yeltsin's character. Yeltsin was good at supporting human rights when they furthered his political agenda. Unfortunately, when Yeltsin's political future came into conflict with human rights protection he consistently ran roughshod over his previously professed principles.

The evidence listed in this section clearly points in favor of legitimacy-seeking. As predicted by Hawkins, Yeltsin implemented a number of instrumental changes which he could use to show that he was forwarding human rights. Foremost among these are his drafting of a new constitution which includes human rights and his creation of a weak Presidential Human Rights Commission. Additionally, he also made sure it was publicized when he closed the last gulag and freed Russia's "last" political prisoner.<sup>48</sup> Overall, the period from 1992 to 1999 is replete with Yeltsin's efforts to legitimize his own rule.

### *III. Signals from the CE*

An explanation for Russia joining the ECHR related to that of legitimacy is that the CE signaled Russia that membership in the council and ratification of the ECHR were not costly. The following sections evaluate potential signals from Russia in terms of how costly membership in the CE and later the ECHR would be.

#### *Signals of Wish*

The primary evidence for the CE signaling Russia that it would not be held accountable for its actions comes from observing current member states. From the time that Russia joined the CE, it was under pressure to ratify Protocol 6 and abolish the death penalty. This is particularly important given that long-time members such as Great Britain, Turkey, and Cyprus had not abolished the death penalty yet and were not being sanctioned by the council.<sup>49</sup> Russia could look at those cases and decide that it might be able to ignore the council's statements with impunity. Even the Secretary General of the CE recognized that

"none of the thirty-nine members are fully implementing to the letter the obligations they undertake."<sup>50</sup>

Another important factor is that the council was willing to overlook numerous human rights violations continuing in Russia even as it admitted Russia to the council. The official opinion of the council was that Russia did not meet the criteria for membership, but perhaps member states would be able to have more of an impact on Russia if it were a member state, than if it were an outsider. As a result, numerous flagrant human rights violations were overlooked. Furthermore, it is worth bearing in mind that many of the states felt that approving Russia's accession to the CE was a direct reflection on their approval for President Boris Yeltsin's democratic reforms.

#### *Signals of Will*

The CE repeatedly increased the requirements which Russia would have to meet in order to become a member of the CE. In July 1993, the CE specified that Russia would need to hold free and fair parliamentary elections and adopt a new constitution before it could accede to the CE.<sup>51</sup> Russia accomplished both of these feats in December 1993. Then in January 1994, the CE made Russia's withdrawal of troops from Latvia, Estonia, and Moldova a precondition for membership in the council.<sup>52</sup> After completing this requirement, Russia was certain that it would be readily admitted to the CE. However, the unfolding of war in Chechnya forced the CE to rethink its position. In February 1995, the council decided to "freeze" Russia's application for membership until such a time as Russia could show that hostilities in Chechnya had ceased.<sup>53</sup> Only with the announcement of a cease-fire was Russia granted membership in the CE on 28 February 1996. These incidents clearly show that the CE made demands of Russia in order for Russia to become a member. Each of these signals presented a tangible cost to the Russian government. In order to become a member of the CE it had to change its constitution, pull troops out of three foreign countries, and negotiate a cease-fire in a domestic war. What is particularly remarkable is not only that Russia yielded to each of the council's requirements, but the relative speed with which Russia implemented them. In each case, Russia complied within six to twelve months of notification of the requirements. Clearly, both the demands of the council and the concessions made by Russia officials were extremely significant.

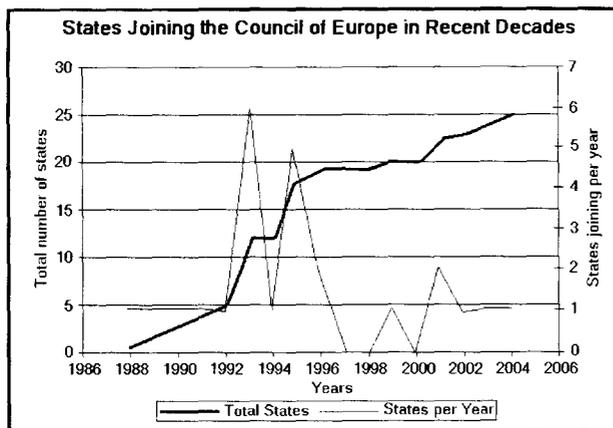
### *IV. Bounded Rationality*

In his article on policy diffusion, Weyland describes the spread of policy from one country to another as a wave. He says that the wave begins slowly, then quickly increases, and then levels off. This cumulative frequency curve of countries adopting a given policy is roughly S-shaped.<sup>54</sup> The absolute frequencies for countries adopting a particular policy in a given time frame should look like a bell curve.

He further postulates that these waves of policy distribution tend to be localized to a given region. The policy may start in one country and then spread to neighboring countries. In the case of Russia joining the CE, both the temporal and geographic relationships that he discusses are replicated. The chart below shows that the cumulative frequency of states joining the CE approximates an S-curve. The process begins slowly from 1989 to 1992, but rapidly increases between 1992 and 1997, at which point it slows down again significantly. The absolute frequencies of states joining the CE in a given year also match the bell curve that he discusses. The chart shows that an approximate bell shape could be drawn with its peak around 1994.

Weyland also discusses how waves spread geographically. In the case of eastern European states joining the CE, this expectation also holds true. The wave starts in Finland in 1989, moves through a number of eastern European states, then the Baltic states, then southeastern European states, eventually covering Ukraine and Russia and ending up in the Caucasus. I found that the temporal and geographic relationships were the only parts of his theory which readily applied to Russia joining the CE and the ECHR.

Next, there is the idea that states follow other states in implementing a particular policy while at the same



time being ignorant of the potentially negative consequences of the new policy. In Russia's case, it is clear that politicians knew going into the process what membership in the council would entail. This is demonstrated by numerous public statements from Russian politicians. The most prominent of these was given by Foreign Minister Andrei Kozyrev in 1992 when he delivered Russia's application for accession to the council. He said, "Russia will recognize the obligatory jurisdiction of the European Court and the right of citizens to submit individual petitions, and develop cooperation within the framework of the European Charter on Fundamental Social Rights."<sup>55</sup> Thus, the obligations to which Russia would be held

Member State	Date Joined
Finland	5/5/1989
Hungary	11/6/1990
Poland	11/26/1991
Bulgaria	5/7/1992
Estonia	5/14/1993
Lithuania	5/14/1993
Slovenia	5/14/1993
Czech Republic	6/30/1993
Slovakia	6/30/1993
Romania	10/7/1993
Andorra	11/10/1994
Latvia	2/10/1995
Albania	7/13/1995
Moldova	7/13/1995
The FYR of Macedonia	11/9/1995
Ukraine	11/9/1995
Russian Federation	2/28/1996
Croatia	11/6/1996
Georgia	4/27/1999
Armenia	1/25/2001
Azerbaijan	1/25/2001
Bosnia and Herzegovina	4/24/2002
Serbia [*]	4/3/2003
Monaco	10/5/2004

should have come as no surprise. Furthermore, the sheer length of time that it took Russia to actually be accepted as a member casts heavy doubt on politicians' ability to be ignorant of the consequences of membership. While it is possible that they initially did not expect membership in the CE or ECHR to cost a great deal, the previously listed evidence, about strong signals from the CE, shows that Russia had a four-year period of interaction with the CE in which it did exact heavy costs from Russia.

Given the policy decision of whether or not a state joins the ECHR, there is no variance in how a state decides to join. It may decide to apply for membership or not. Since there is no variance in this policy question, it seems clear that this particular component does not apply to Russia's membership in the CE or ECHR.

## Conclusions

This paper shows that although Yeltsin participated in a number of human rights measures, his overall intent points more to political expediency and efforts to legitimize his rule rather than efforts to lock-in human rights practices. He sought democratic reforms and improvements in human rights that would be noticed by international actors and bolster their support for him, thus securing his own position. Further evidence for this idea was demonstrated by Yeltsin's lack of attention to human rights in particular as they concerned crime prosecution procedures and

efforts to protect civilians in Chechnya. Thus, I find that my first hypothesis is strongly supported.

Additionally, while arguments can be made for both strong signals and weak signals from the CE, the preconditions Russia had to meet in order to become a member provide convincing evidence that the council sent signals that it was not going to provide international legitimacy for Russia. Russia had to pay the costs of membership and resolve substantial issues with respect to current implementation of human rights practices. Bounded rationality provides a good explanation for how Russia learned about the CE and its membership prospects. Also, the data provide evidence that states in eastern Europe joined the CE as a part of a wave of policy diffusion. The data from the section on CE signals contradict the idea that Russia was ignorant of the potential costs of membership in the CE and ECHR. Russia was put through a four-year probation during which the CE successfully demanded changes in Russian policy. Thus, my second hypothesis was strongly rejected.

A final caveat to these findings is in order. The data used in supporting and rejecting the research hypotheses was based heavily on newspaper reports of events as they occurred in Russia. While the articles are numerous and agree on almost every account, they only represent the public side of Russia's move to join the CE and ECHR. Information from Yeltsin's personal conversations and State Duma sessions would provide valuable insight to the validity of this research.

Despite my findings that Yeltsin pursued membership in the CE and the ECHR to secure his own legitimacy, the fact that the CE was able to exact changes out of Russia is still significant. As Hawkins states, these changes may very well create the room for groups genuinely interested in furthering human rights to push their agenda forward.<sup>56</sup> My hope is that future research will explore further development of domestic and international human rights pressures on Russia to evaluate whether the CE made the right decision in allowing Russia to become a member in 1996 or if it should have continued demanding reforms until Russia met a higher standard.

#### NOTES

1. See Hawkins and Jacoby 2006 for an enlightening discussion of how the ECHR used agent strategies to encourage states to accept the ECHR, and how it subsequently began exercising its power against those states. (Hawkins, Darren G. and Wade Jacoby. "How Agents Matter," *Delegation and Agency in International Organizations*, ed. Darren G. Hawkins, 2006, forthcoming.)
2. Hafner-Burton states that the ECHR is a unique enforcement mechanism for human rights agreements. Other human rights agreements "provide standards that are voluntary and weakly enforceable at best (Hafner-Burton, Emilie M. "Trading Human Rights: How Preferential Trade Agreements Influence Government Repression," *International Organization*, 59, 3, 2005, p. 603, footnote 41.)
3. Fehl, Caroline. "Explaining the International Criminal Court: A 'Practice Test' for Rationalist and Constructivist Approaches," *European Journal of International Relations*, 10, 3, 2004, p. 363.
4. Fehl, p. 364.
5. Moravcsik, Andrew. "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe," *International Organization*, 54, no. 2, 2000, p. 220.
6. *Ibid.*
7. Mansfield, Edward D., Jon C. Pevehouse, and Emilie Hafner-Burton. "Democratization and Human Rights Organizations," Paper prepared for the 2006 International Studies Association Conference, San Diego, CA, 2006, p. 5.
8. *Ibid.*, p. 6.
9. Goodliffe, Jay and Darren Hawkins. "A Funny Thing Happened on the Way to Rome: Explaining International Criminal Court Negotiations," Presented at the annual meeting of the American Political Science Association, 2006, p. 21.
10. Moravcsik, p. 221.
11. *Ibid.*, p. 223.
12. Risse, Thomas and Kathryn Sikkink. "The Socialization of International Human Rights Norms into Domestic Practices: Introduction," In *The Power of Human Rights: International Norms and Domestic Change*, ed. Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, Cambridge, Cambridge University Press, 1999, p. 23.
13. *Ibid.*, p. 25.
14. Hawkins, Darren G. *International Human Rights and Authoritarian Rule in Chile*, Lincoln, Nebraska, University of Nebraska Press, 2002.
15. Finnemore, Martha and Kathryn Sikkink. "International Norm Dynamics and Political Change," *International Organization*, 52, 4, 1998, p. 902.
16. Jordan, Pamela A. "Russia's Accession to the CE and Compliance with European Human Rights Norms," *Demokratizatsiya*, 11, Spring 2003, pp. 281-96.
17. *Ibid.*
18. *Ibid.*
19. Weyland, Kurt. "Theories of Policy Diffusion: Lessons from Latin American Pension Reform," *World Politics*, 57, January 2005, p. 271.
20. *Ibid.*
21. Moravcsik, p. 220.
22. *Ibid.*
23. Sakwa, Richard. *Russian Politics and Society*, London, Routledge, 2002, p. 47.
24. *Ibid.*, p. 50.
25. *Ibid.*, p. 53, italics added.
26. Gilligan, Emma. *Defending Human Rights in Russia: Sergei Kovalyov. Dissident and Human Rights Commissioner, 1969-2003*, London, Routledge Curzon, 2004, p. 122.
27. *Ibid.*, p. 125.
28. Ombudsman Information Network. "Federal Constitutional Law on the Commissioner for Human Rights in the Russian Federation," n.d., [http://www.anticorruption.bg/ombudsman/eng/readnews.php?id=6085&lang=en&t\\_style=tx&l\\_style=default](http://www.anticorruption.bg/ombudsman/eng/readnews.php?id=6085&lang=en&t_style=tx&l_style=default).
29. Gilligan.
30. Vandenko, Igor. "Human Rights in Russia Will Be Protected in Accordance with European Standards," *Novye Izvestia*, 21 February 1998.
31. *Ibid.*
32. No author given. "President Yeltsin Proposes the Duma Amend the Code of Criminal Procedure to Limit the Application of the Death Penalty," *Rossiiskaya Gazeta*, 8 July 1997, p. 1.
33. Nechayev, Alexander. "Yeltsin to Consider every Death Sentence," *ITAR-TASS*, 11 January 1998.
34. Astakhova, Anna. "There Will Be No More Executions," *Segodnya*, 3 February 1999, p. 1, 7. The most prevalent system was called a "troika." The troika included the judge and two public assessors who would decide the fate of those deemed guilty.
35. Bundy, Anna. "Yeltsin Puts an End to Death Penalty," *Times* (London), 4 June 1999.
36. Jordan, Pamela A. "Does Membership Have its Privileges?: Entrance in the CE and Compliance with Human Rights Norms," *Human*

- Rights Quarterly*, 25, August 2003, p. 662.
37. Cited by Richard Sakwa in *Russian Politics and Society*, p. 479, as *Izvestia*, 25 December 1993, p. 1.
  38. CE. *Declaration on Russia*, Council of Ministers, 8 October 1993, emphasis added.
  39. Sakwa, p. 53.
  40. Gilligan, p. 157.
  41. *Ibid.*
  42. *Ibid.*, p. 185.
  43. *Ibid.*, p. 187.
  44. *Ibid.*, p. 201.
  45. *Ibid.*
  46. *Ibid.*, p. 202.
  47. *Ibid.*, p. 204.
  48. Krivykh, Alexander and Georgy Shmelyov. "Council of Europe—News Conference," *ITAR-TASS*, 8 May 1992.
  49. Neverov, Rostislav. "Death Penalty Will Be Abolished," *Kommersant-Daily*, 1 March 1997, p. 1.
  50. No author given. "Russia Joins Council of Europe," *Washington Post*, 29 February 1996, p. A16.
  51. Kovalenko, Yury. "Russia Doesn't belong in Europe's Waiting Room," *Izvestia*, 6 July 1993, p. 4.
  52. —. "Council of Europe Asks Russia to Cool Its Heels in Vestibule a Little Longer," *Izvestia*, 27 January 1994, p. 3.
  53. Smimov, Andrei. "Russia and the Council of Europe: Frosts on Chechen Grounds," *Kommersant-Daily*, 3 February 1995, p. 1.
  54. Weyland, p. 265.
  55. Krivykh, Alexander and Georgy Shmelev. "Russian Foreign Minister's Statement in Strasbourg," *ITAR-TASS*, 7 May 1992.
  56. Hawkins, 2002.

**REFERENCE**

- CE. *Russia's Application for Membership of the CE*, Doc. 7463, Parliamentary Assembly, 1996.

---

---

# Beyond Democracy: The Effects of the Electoral System on Environmental Performance

---

*Austin Baird, Rachel Bodily, and Angela Merriam*

There have been many attempts to explain why some countries exhibit environmentally friendly attitudes and pass environmentally protective policies while others neglect or exploit their natural resources and environmental amenities. Some researchers have explored the link between democracy and the environment, determining that there is only a relationship in certain aspects of environmental protection.<sup>1</sup> Others have linked environmental attitudes to economic growth or gross domestic product (GDP).<sup>2</sup> These studies, however, often fail to explain the variance among countries with similar ideological trends, income levels, or levels of democracy. There are important conclusions to be drawn from further examining democratic governments and variances *within* these democratic systems and electoral processes. It is instructive not only to recognize that democracies in general create greener policies, but to analyze both the mechanisms and the institutional variance which allow for these policy differences.

Within democracies, we look at electoral systems as a central indicator of environment performance. We examine the differences between first past the post (FPTP) and proportional representation (PR) styles of democracy, and we argue that those countries that utilize PR systems exhibit better environmental attitudes and policies. Using the existing literature, we first explain key differences in the two electoral systems and then highlight several causal mechanisms that may explain why PR systems produce more environmentally friendly policies. We then explain the methodology of the quantitative study and discuss our findings. We spend significant time on the main independent variable of electoral system. While the mere presence of an FPTP or PR system does not explain the variance in environmental perfor-

mance, we do show that higher district magnitude, a more sophisticated measure of a PR system, yields better environmental performance.

## Electoral System

The notion behind PR elections is that each party should be allotted a number of congressional seats commensurate with the percentage of votes received. While, technically, PR systems should precisely transfer the percentage of the votes won to the percentage of seats allotted to a certain party, such a policy could lead to a party's receiving only half of a seat. Consequently, many systems include some minimum percentage of the vote, a "threshold," that must be reached in order for a party to gain a seat. The competing electoral system that we examine is FPTP, a plurality system in which the one open seat goes to the candidate that captures the most votes, although not necessarily a majority. This type of system tends to marginalize smaller parties, as the likelihood of a small party winning one available seat is low.<sup>3</sup> PR systems, on the other hand, will encourage multiparty politics due to the inclusion of small parties. For example, if a "green" party wins 10 percent of the vote in a PR system, it will receive about 10 percent of the seats in the legislature, whereas a plurality system would deny any representation.<sup>4</sup> This fragmentation of the vote in PR systems also places a greater focus on a coalition approach to politics, as can be seen in Europe and Latin America, where it is most popular.<sup>5</sup> Plurality eschews this approach, as evidenced by the dominance of two major parties in the U.S. and Great Britain.

Of particular importance to understanding electoral systems, and specifically the way we measure them in this paper, is the definition of district magnitude. This

term refers to the average number of candidates elected in each given district. In a plurality system, each district elects only one representative in what is appropriately called a single-member district. PR systems, however, allow voters to elect multiple candidates per district, ranging from two to as many as 150 in Slovakia and the Netherlands.<sup>6</sup> As John Carey<sup>7</sup> points out, district magnitude determines the proportionality of a system, or the ratio of seats to votes. We hypothesize that, to an extent, higher district magnitude will lead to more equal proportionality and increase the number of parties gaining at least some level of participation.

### Environmental Performance and FPTP Systems

Given these characteristics of the two main electoral systems, there are two reasons to expect that environmental performance would be worse in countries with a plurality system. First, plurality systems require that candidates appeal to a broad constituency for whom the environment may not be a common concern. Second, the structure of plurality systems tend to marginalize smaller, single-issue parties that may favor the environment.

As previously addressed, FPTP systems require a party to win more of the vote than the competing parties; therefore, FPTP systems create a significant barrier to entry unparalleled in PR systems. In order to obtain such large percentages, parties must focus their campaigning efforts on issues that will attract large numbers of voters. Allan Meltzer and Marc Vellrath<sup>8</sup> suggest that voters give the most consideration to the question: "Which party will keep the country prosperous in the years ahead?" In addition to the focus on economic performance that this question prompts, Michelle Slone<sup>9</sup> argues that recently within the U.S., the increased amount of media coverage dedicated to terrorist threats and attacks has made national security a determining factor in elections that is just as important as the economy. There are likely other countries with similarly unique issues that directly play into voter decisions and priorities. With pressing issues, such as, security and the economy, at stake in FPTP systems voters are less likely to cast their votes based on a party's environmental stance. While we acknowledge that there are some voters who make electoral decisions based on environmental issues, they are a small enough minority so as to not affect elections in any major way in a plurality system. When parties consider the relative disinterest with which voters view the environment, they are unlikely to make environmental issues a major plank in their campaign platform, as it does not develop the broad support base that FPTP systems require. As a respondent notes in Peter Smith's *Democracy in Latin America*, "The single-member district does not guarantee the proportional representation of parties, but in exchange it is the best at allowing the representation of the interests that really stir

society."<sup>10</sup> Regardless of which party wins the election in a plurality system, environmental policies will not usually be at the forefront of the agenda and the lack of protective policy implementation will yield worse environmental performance in the country involved.

Concomitant with this idea of broad appeal is the parties' need to appeal to "swing" voters. In FPTP systems, each party tends to contain a core group of committed voters who will vote for the party irrespective of which candidate is fielded. Therefore, the most pressing issue for most parties is their ability to woo undecided or "swing" voters. David Gopoian and Sisse Hadjiharalambous show that these swing voters, defined as those who make their decision in the last two weeks, are not generally motivated by typical political or ideological issues. Instead, the majority of these voters make their selections seemingly at random, and display a tendency to vote for "the person who saw them last on Election Day."<sup>11</sup> Holding this hypothesis true, and assuming political parties' ability to intuit this, electioneering tactics involving the promise of environmentally friendly issues are unlikely to be effective, thereby making them unlikely to be offered and certainly not implemented.

The second reason to expect that FPTP systems would have worse environmental records is the marginalization of small and single-interest parties. The role played by large parties in FPTP systems is apparent enough that the practically negligible role filled by special interests should be self-evident. Even so, it is still helpful to mention the relationship. The nature of FPTP systems tends to marginalize the effect that single issues can have in directly affecting policy. Instead, they encourage lobbying groups who certainly wield considerable clout in the form of financial contributions but do not take an active role in the writing of or voting on policy. The difference we wish to emphasize is that, in PR systems, special interest groups are able to directly enter the political arena due to the lower barriers of entry. They are able to form coalitions and write and vote on legislation. This ability does not exist in FPTP systems relegating special interest groups to mere lobbyist status. Therefore, almost any special interest group with significant power will, of necessity, be a group with substantial financial backing. These groups are likely to represent business interests because by definition businesses have a larger pool of funding to work with, as any money spent on lobbying can be seen as a financial "investment." Environmental groups on the other hand mainly rely on individual philanthropists and other donors which are relatively parsimonious.<sup>12</sup> The following section will discuss the merits of a PR system due to its more equitable incorporation of small parties and single issues.

It is also likely that policies in FPTP systems are less stable than those elected through PR. FPTP parties must polarize themselves from other parties in an effort to

attract voters, and they are not as likely to build coalitions and compromise with other parties while they are in office. Thus, they will vacillate among varying environmental policies, which is ultimately harmful for the environment because any positive gains during one term will most likely be negated in the next term when another party is in power. Because PR allows for more variance, it should allow for more stable environmental policies and, therefore, higher environmental performance.

### Environmental Performance and PR Systems

It is unlikely that a single-issue group would be able to enter the political arena in a FPTP system under the guise of a viable party. Their influence is mostly limited to lobbying and public-awareness campaigns, and their effectiveness tends to be limited by their lack of resources. It is much easier, however, for single-issue groups to effect political changes in a PR system. In a PR system they have a chance of gaining real political representation and power rather than negotiating legislation as a lobbying consortium. The makeup of a PR system, only a small percentage of the total vote is necessary in order to gain a seat or two, facilitates the entry and participation of parties with more specialized interests.<sup>13</sup> Even though the heightened ease with which these groups may gain legislative seats is obvious, it might be tempting to question the efficacy with which such a seemingly insignificant group could pursue its agenda. The answer lies in a (PR elected) government's need for consensus and coalition in order to avoid potential conflicts and the ensuing impasses of gridlock.<sup>14</sup> This quality of PR systems, the almost invariable requirement for various parties to compromise and form a functional government, is what allows special-interest parties (in this case environmentally-minded parties) to wield considerably more influence than they would in other electoral systems. This creates an atmosphere of give-and-take in which environmental policies are likely to be passed in return for support on an unrelated matter.

A second issue when considering the effect of the electorate on environmental policies is the expectations that voters are likely to have of their fellow voters. Meltzer and Vellrath<sup>15</sup> note that the economy is the most important determining factor when individuals decide on a candidate, and most voters no doubt realize this as well. Therefore, in a PR system, a voter who feels particular concern for the environment will vote for a "green" party without fearing that security or the economy will be sacrificed, because the majority of the other voters will determine their choice based on these issues. Our voter will be secure in the knowledge that the majority of his neighbors will not share his preoccupation with the environment, thus facilitating the decision to vote for a single-issue group and allow his neighbors to vote on larger issues.<sup>16</sup> Therefore, relatively more people may

vote for single-issue "green" parties without fear of their actually taking control of the legislature.

Some may argue that the type of electoral system as related to environmental performance is in fact a spurious correlation resulting from some sort of norms diffusion. This result is unlikely, however, as there is no reason that environmental norms and standards should have any relation to the electoral system adopted. We need only look at areas where we might expect ideology to have been imparted or spread in order to realize that this is improbable. For instance, all of Latin America was land colonized by the Spanish and the Portuguese. Yet, when we analyze the executive branches of the various governments, we find that they have borrowed from the U.S. model much more heavily than from the European model.<sup>17</sup> There are certain things that can reasonably be expected to be passed on from one country to another; English is the lingua franca of India; besides the U.S., Japan and Cuba are the only countries in the world that really care about baseball; and France's former colonies still make up a cultural and linguistic bloc. However, Australia, Canada, and the U.S., all former British colonies, have widely disparate environmental attitudes, despite their common heritage. As tempting and facile as it would be to ascribe environmental performance to regional ideologies, and to propose that electoral systems are just indicators of those ideologies, doing so would be inaccurate. In this case, we see clear evidence for the rational choice, institutionalist argument. We assert that it is specifically the electoral process which not only causes more people to vote for greener parties but also encourages politicians to legislate for better environmental protection.

### Hypotheses

In an attempt to empirically test these causal relationships, we estimate two models using different measures of PR versus FPTP. The variable of interest in the first model is a dummy variable for PR. In this model we predict that PR will have a positive effect on the Environmental Performance Index (EPI), and transparency will also have a positive, although nonlinear, relationship to the EPI. We predict that there may be decreasing returns to transparency, which will be shown by a negative coefficient on the transparency-squared term. In other words:

- Hypothesis 1: PR will be positively correlated and statistically significant to the EPI.
- Hypothesis 2: Transparency will be positively and significantly related to the EPI.
- Hypothesis 3: Transparency-squared will be negatively related to the EPI, showing decreasing returns to transparency's effect on environmental protection.

The second model will involve a measure of district magnitude, which will more precisely estimate the effect of PR. We expect this model to give us a result similar to the coefficient on PR, that is:

- Hypothesis 4: District magnitude will be positively and significantly related to the EPI.
- Subsequent sections of this paper explain our methods and evaluate the measures of each variable and present the results.

### Data

We aim to explore the causal relationship between environmental performance and the type of electoral system through a quantitative analysis. While qualitative studies are sometimes useful, a quantitative study allows us to expand our number of cases and test our hypotheses cross-nationally. This allows for the development of more generalized and applicable results. As the necessary data is available for a fairly large selection of countries, we can test the effects of electoral systems on a wide array of countries.

In combination with the theoretical framework, the quantitative elements of our study build a convincing case for causation. We control for any variables that may indicate correlation rather than causation, such as, per capita wealth, democracy, education, corruption, attitudes, etc. Any relation we predict through the type of electoral system is unlikely to be so highly correlated with another variable that the results, instead, demonstrate the effects of an alternate explanation. It is also highly unlikely that there will be any problems with endogeneity, which is most likely one of the causes of some kind of spurious causal relationship as the coefficient on the explanatory variable would be highly correlated with the error term. There is no theoretical reason apparent to us that could account for the level of environmental performance influencing the type of political system. While it may be possible that the type of electoral system reflects the influence on an alternate electoral variable, such as, open or closed list or the number of effective parties, the theoretical reasoning behind the importance of electoral system provides fairly strong evidence that this is unlikely to be the case. Still, there is no definitive way to test for causality versus correlation; thus, many empiricists assert that while numerical analysis certainly provides evidence of correlation, causation can be slightly more elusive.<sup>18</sup> Despite this, the case for causality is strong, although mere correlation does not seriously undermine our conclusions or policy implications. The text that follows will outline the model selection, methodology, and regression results. In combination with the theoretical framework, these elements build a compelling case for the importance of the electoral system in determining the level of environmental performance.

### Environmental Performance Index

As our dependent variable measuring environmental performance, we use a very recently developed comprehensive dataset called the EPI.<sup>19</sup> Developed in 2006, it involves a composite ranking theoretically between zero

and one hundred. The ranking quantifies the level of environmental performance with respect to the following two overarching policy objectives: first, the environment as it relates to human health, and second, ecosystem vitality and natural resource management. These indicators are purposefully linked to government environmental policy rather than natural endowments, thus the indicators measure the effectiveness of preserving what endowments already exist rather than measuring the state of the environment at a given time. This measurement is more germane to our study, as it evaluates the political factors and the human impact on the environment rather than a more intangible measurement of sustainability.

The first core area of the EPI measures the environmental impact on health by looking at the influences of environmental factors on morbidity and mortality rates. This aspect of the measurement represents a fairly anthropocentric measure that is probably the least controversial measure of environmental standards. It includes no assumption of the inherent value of the environment; the indicators simply reflect natural human preferences against disease and death. The indicators used, such as, water supply, sanitation, and child mortality, are all incorporated by the Millennium Development Goals as part of environmental objectives that are, for the most part, universally recognized. Two measures of air quality—urban particulates and indoor air pollution—also factor into the equation, as they have significant health implications.

Using slightly more complex and varied indicators of environmental performance, the second core area of the EPI measures ecosystem vitality and natural resource management. Within this measurement is air quality, estimated by the level of urban particulates and ground-level ozone. A value for water resources was quantified through measures of water consumption rates and pollutants discharged into water bodies.

Government policy also receives attention in the measurement of this second core area. Government policies involving the maintenance of productive natural resources are measured with a focus on how these policies seek to protect natural resources versus exploiting them for economic gain. In regard to biodiversity and habitat, the indicators examine not only the percentage of land designated as protected wilderness, but also the evenness in the amount of protection accorded to various biomes. The latter is important because the internationally recognized goal of protecting at least 10 percent of a country's territory may still result in grave ecological damage if the spread of protection covers only a homogenous area. Finally, this second core area uses a measurement of sustainable energy created from data on energy consumption, the percentage of total energy from a renewable energy source, and carbon dioxide emissions per unit of GDP. This measurement of environmental performance is one of the most

comprehensive to date and is well tailored to the objective of our study. The relevance of these measurements is that they focus on government policies toward the environment, not necessarily on their outcomes, which can reflect the influence of numerous other factors.

### Electoral System

For our main independent variable analyzing the affect of the electoral system, we run regressions with two different measures. We first use the World Bank's Political Institutions dataset;<sup>20</sup> it includes a dichotomous variable for the use of proportional representation in the legislative elections. A value of one indicates the presence of PR; however, a value of one may also indicate a mixed system in which voters determine a certain percentage of the legislature through PR and the remainder through plurality. This measure will tell us if the presence of PR, whether the sole vote transfer mechanism or part of a mixed system, has a significant effect on environmental performance.

We use district magnitude as the second measure of electoral system, taken from Joel Johnson and Jessica Wallack's Electoral Institutions and the Personal Vote dataset.<sup>21</sup> They code district magnitude for both the average district and the average legislator. The authors point out the precision of the latter measure, as it controls for exceptionally small or large districts. However, we choose to use the measurement of the average district due to greater availability of data. If a country has a district magnitude of one, then it uses a FPTP system, whereas numbers greater than one indicate the use of a PR system. This measurement allows us to better nuance our argument and separate electoral system effects, which helps determine the incentives that politicians face.<sup>22</sup> Due to the vote-to-seat ratio, a country with an average district magnitude of two or three will be much more similar to a FPTP system than a country with an average district magnitude of fifteen. There are a few outlying cases, and we exclude all cases where district magnitude is greater than twenty-five. It is standard practice to exclude any extreme variables, as they have a tendency to skew results. With these qualifications in place, the district magnitude measurement thus enhances our ability to test the causal logic that PR systems allow smaller parties that focus on a single issue, such as, the environment, to have some representation in the legislature. Districts that elect a higher number of representatives, thus having a high district magnitude, provide more chances for small parties to gain representation; whereas, districts that elect a lower number of representatives, thus having a low district magnitude, encourage parties and candidates that appeal to a broad constituency and may discourage politicians and parties from taking a strong stand on the environment.

### Control Variables

Several factors combine to explain environmental performance, and we attempt to control for these factors

in order to accurately identify the effect of the main explanatory variable: PR. The environmental Kuznets curve (EKC) is a popular, if controversial, explanation of the level of environmental protection. The EKC is meant to predict the relationship between environmental degradation and economic development as measured by GDP. As a country begins to develop, the level of environmental degradation increases until it reaches a certain point of development, at which point environmental performance then begins to improve; this relationship graphically forms an inverted U-shape. According to Esty, the EKC can be broken down into three effects: technique effects, composition effects, and scale effects. Technique effects arise when greener technologies are developed; composition effects are defined by a shift in consumption preferences toward greener goods; and scale effects refer to higher degradation due to increased economic activity and wealth.<sup>23</sup> The EKC defines the relative relationship among these three factors, with decreasing environmental degradation as a consequence of composition and technique effects outweighing scale effects. The relative effects of these factors indicate at which part of the EKC each country is located and determines the environmental effects of growth. This relationship necessitates that we account for the effects of economic development. Thus, we include a measurement of wealth in our model. We measure wealth as the per capita GDP of a country, adjusted for purchasing power parity. We take the log of GDP in order to reduce the right skew of the data and normalize it. The log of GDP lets us look at percent change rather than dollar differences in GDP among countries, which will allow for more meaningful comparison.

Contrary to the theory set forth in the EKC, our data actually estimates a linear relationship with respect to GDP and environmental performance as measured by the EPI. On account of the measurement of the EPI being somewhat nonstandard and more related to the political mechanisms for protecting the environment, a linear relationship seems more plausible. While the theoretical backing on the EKC is interesting and sometimes does explain certain cases, several authors have challenged the EKC's assumptions on the distribution of income and the effects of trade,<sup>24</sup> and its empirical validity.<sup>25</sup>

While education levels, as reflected by literacy rates, may be strongly correlated to GDP, this variable addresses development in a broader sense than simply an increase in GDP. While the EKC generally addresses only the relationship between GDP and environmental degradation, the relationship may go beyond mere measurements of wealth to include the level of development as the definitive variable. Further, literacy will better address the changes in a country that are more specifically related to development. This variable could also measure any changes in attitude that are not accounted for in the post-

materialist index. While this index will estimate much of the change in attitudes due to economic development, it will not necessarily account for changes in attitude that relate to greater exposure to environmental issues. The use of the literacy rate as our education measurement accounts for the level of education throughout the entire population, which helps to eliminate the bias of social class and gender. Literacy also accounts for the effects of various types of education (*e.g.*, informal, trade schools, etc.) increasing the overall level of education, which formal enrolment rates have difficulty capturing. Literacy skills will open up the channels of communication and knowledge, where even the ability to read a local newspaper could change environmental attitudes at a more basic level. This measurement then accounts for differences stemming from development and changes in environmental attitudes due to increased exposure.

Manus Midlarsky<sup>26</sup> demonstrates the positive effect of democracy on environmental performance. Scholars have also shown that environmental degradation has a disproportionate effect on certain segments of the population, particularly the poor.<sup>27</sup> Theoretically, democracies should allow these disadvantaged sectors to better convey their opinions and to better affect environmental outcomes. The incentive for politicians to gain support, and thus votes, should also impact the responsiveness of policy and performance in democracies. Autocrats who do not rely on a broad constituency to derive power and authority are less likely to care about conditions that do not directly affect them, such as, environmental degradation. With a strong theoretical backing and favourable empirical analysis, it is imperative to include democracy as a control variable. We measure it using the Polity IV dataset.<sup>28</sup> This measurement scores countries from zero to ten, with ten being the most democratic. The rating is determined based upon four categories: competitiveness of political participation, competitiveness of executive recruitment, openness of executive recruitment, and constraints on the chief executive.

We have also included a transparency variable to determine the level of corruption in a country. First, corruption will affect the way the political system operates. High levels of corruption may impede the voters' check on their politicians, as voters may be prone to support a candidate due to bribery and favours rather than platforms and promised policies. Voters may not even cast their own votes, or votes may not all be legitimately counted. The absence of voters who are able to legitimately influence policy undermines the causal logic that we have put forth, in which PR systems are better able to incorporate small, single-issue parties into the government. If corruption obstructs the channels of democracy, then party platforms and issues may not have a significant affect on voters' choices.

The concerns regarding corruption are particularly

salient in the consideration of environmental issues. As previously addressed, business interest groups and labor unions have significant resources available to them. In addition, big business may constitute one of the last groups to embrace restrictions meant to protect the environment, as such restrictions often lead to more expensive production costs and chip away at profits. In order to prevent the implementation of protective environmental policies, labor groups may draw on their deep pockets to convince politicians to pursue a different policy. While "bargaining" may never disappear from the political arena, this type of bribery will be less likely in a country with high levels of transparency; therefore, transparency should be positively related to the EPI.

We use the measurement of Transparency International to measure the degree of transparency in a country. Transparency International measures corruption on a scale of zero to ten, with ten being the most transparent. Transparency International<sup>29</sup> defines corruption as "the abuse of public office for private gain," and uses surveys to determine perceptions of corruption in a given country. While Daniel Treisman points out that this does not account for the experiences of the average citizen with corruption, this study aims to understand corruption more generally across the country and to compare levels cross-nationally.<sup>30</sup> Treisman also points out that the Transparency International ratings correlate strongly with other cross-national measures of corruption; this correlation allows for meaningful comparisons. It is important to mention that we have also included a squared-term for transparency. A look at the data reveals a curvilinear relationship between transparency and the EPI. The regression results when a squared term was not included indicated the need to account for this nonlinear relationship. Statistical significance improves with the addition of a squared term, allowing us to better predict the level of environmental performance.

The causal logic that we put forth also necessitates the inclusion of environmental attitude in our model. If electoral systems are to have any affect on environmental performance it is through the means by which they encourage politicians to appeal to their constituencies and the way in which they capture voters' attitudes.<sup>31</sup> Whether citizens of a country generally support environmental protection, are indifferent to it, or do not place it as a high priority that will affect the attention given to the environment in the political arena. If voters do not care about the environment, then even the emergence of a party that focuses on environmental issues may be unlikely, not to mention the likelihood of the party's rise to power.

In any study, one finds great difficulty in accounting for and predicting attitudes. Attitude discernment is complex even with well crafted surveys and the high

level of variance among populations makes it challenging to obtain an accurate sample. The World Values Survey<sup>32</sup> no doubt faces these constraints, but still assembles the most complete compilation of values and attitudes in many countries. The World Values Survey asks a series of five questions about the environment, but none seemed to capture the overall value placed on environmentalism and the level of environmental protection in the country. In addition to this, the World Values Survey included fewer measures of environmental attitudes than our final measurement did; this reduced our total observations and detracted from the significance of the analysis.

We turned instead to the two questions on the World Values Survey that ascertain the presence of post-materialism, and subscribed to Ronald Inglehart's<sup>33</sup> assertion that as material needs are met, people then turn their focus to non-material concerns. Several scholars<sup>34</sup> have shown that environmentalism should be included as a post-materialist value, and the degree of materialist values in a country indicate or are at least strongly correlated with environmental attitudes. The post-materialist values indicator combines answers from two questions (*see* Appendix), the composite of which determines if a country is materialist (a score of one), post-materialist (three), or a mix (two). Thus, we expect to see a positive coefficient on this variable, as a higher value reflects the presence of post-materialist values. Again, while the inclusion of this variable reduces the number of cases by about half, the theoretical arguments for its inclusion are compelling.

## Methods

We will test our hypotheses using an Ordinary Least Squares (OLS) regression. Our analysis includes fifty-five countries. The limited availability of data on environmental attitudes creates the main limitation on the number of cases we have included. However, we cannot ignore the strong theoretical reasons to include environmental attitudes in our analysis, and so we proceed with a limited number of cases. Our case selection also runs the possibility of bias due to the fact that there were disproportionately more developed countries in our survey than there were less developed countries than a random sample would generate; twenty-eight out of the fifty-five countries sampled are members of the OECD. This is most likely because the World Values Survey is biased toward countries that are more developed, possibly as a result of lower survey costs due to existing infrastructure, less restrictive governments, or communication barriers. In any case, the variables for attitudes decreased our survey from ninety-eight observations to fifty-two observations, leaving out many developing countries and keeping in all members of the G-8 and all but one of the OECD countries (Luxembourg). If there is some inherent difference between these developed and less developed countries this could bias our results. This

bias could be due to higher education that basic literacy is unable to control for, some kind of nonlinearity with GDP, or cultural differences that attitudes are unable to pick up. Therefore, we attempt to control for this relationship between development (a broader definition of development than income provides) and environmental performance using a binary variable for OECD membership. The summary statistics are included in Table 1 (page 54):

The data section discusses some of the challenges encountered in this analysis. The reliance on the data collection of others always poses some concern, particularly due to the risk of miscoded information. While most of the data that we have used comes from fairly standard sources, such as the World Bank and the Polity database, the survey data from Transparency International and the World Values Survey may potentially be susceptible to these problems. Survey research poses a problem in any field. Problems can occur in the creation of the survey (certain questions may produce biased answers), the execution of the survey (communication problems, self-reporting, disinterested respondents), and the coding of the information obtained through the survey. While both Transparency International and the World Values Survey are well executed surveys and reputable sources, these challenges remain a legitimate concern. Furthermore, extracting the attitudes of an entire country on a polarizing issue like the environment always constitutes a formidable challenge.

## Results

### *Dummy PR Variable*

In order to accentuate the importance of our main model and the findings on the significance of the district magnitude, we have included the original model using a dummy variable for PR. The variable is coded one, if any type of PR system is in place, and zero, if not. Based on the literature, we first predicted that PR would have a significant and positive effect on the EPI. Using this variable as a general measure of the many theoretically positive effects of PR on the environment (*i.e.*, both the consistency argument and the special interest group argument), this measure shows how the identification of a country's political system affects its environmental protection. This measure does not account for the possibility of varying degrees of representation, or differentiate between any theoretical causal mechanism. Thus, we began our estimation using a binary for PR, and the results are shown in Table 2.

At first, these results seemed to do a good job of explaining the differences in environmental performance among different countries. The  $R^2$  at 0.82 is high, meaning that the model explains approximately 82 percent of the variation in the EPI. The remaining 18 percent may be explained by variables that are not controlled for by the model, or more likely may represent inherent vari-

Table 1: Summary Statistics

Variable	Range		Median	Mean	Standard Deviation
	Min.	Max			
Environmental Performance Index (EPI)	41.1	88	75.55	71.52	11.93
Literacy	41.1	99	97.75	91.47	13.54
GDP per capita	723	42,364	11,489	15,962.42	12,434.89
Log GDP	6.58	10.65	9.35	9.27	1.03
Democracy	0	10	9	7.42	3.42
Transparency	1.5	9.7	3.95	4.88	2.57
Transparency Squared	2.25	94.09	15.61	30.28	29.03
District Magnitude	1	150	6.46	19.59	37.90
Post-Materialist Values	1	3	1	1.48	0.57

Table 2: Regression Estimates for Model Using Binary PR

Variables				R <sup>2</sup> = 0.82 Adj R <sup>2</sup> = 0.78
	Coefficient	Std. Error	T-statistic	P-value
Intercept	-10.03	14.12	-0.71	0.481
Literacy_2005	0.28	0.08	3.76	0.001
Log GDP	4.86	2.06	2.36	0.023
Democracy	-0.59	0.39	-1.53	0.132
Transparency	3.13	2.47	1.26	0.213
Transparency <sup>2</sup>	-0.20	0.19	-1.06	0.293
Binary PR	1.36	2.15	0.63	0.530
Attitudes	3.01	1.70	1.77	0.084
OECD	1.52	2.68	0.57	0.572

ability. Overall, this is compelling evidence that the independent variables are well chosen and that the model is valid.

These results correspond well to those estimated in the second model, but there are some unexpected findings. The variables for literacy, GDP, and democracy all have fairly consistent estimates, and the significance does not change between models. Literacy works well as a control variable, as it is strongly correlated with environmental protection, and GDP has a similarly predictable result, as it is also significant and positive. Surprisingly, GDP and literacy are the only statistically significant variables at the .05 confidence level, yet the model overall holds strong predictive power, which may indicate some degree of multicollinearity.

Another similar red flag for multicollinearity is the negative, statistically insignificant coefficient on democratic openness. This result would imply that greater democratic openness and transparency leads to less environmental protection, yet the opposite result has been empirically proven previously.<sup>35</sup> Multicollinearity is often

exhibited in strong overall estimation with few individually significant variables, and if multicollinearity is present it can also predict the wrong signs for some coefficients. Multicollinearity is likely the culprit behind this surprising prediction on democratic openness.

Democratic openness has proven to be highly correlated with education levels and GDP and is apt to be correlated with favorable attitudes toward the environment. Citizens in a country that is more open to democracy, oftentimes, have greater opportunities for education beyond basic literacy—these effects are not picked up by our literacy variable. Also, as democratic openness increases, knowledge regarding global environmental problems may be disseminated more quickly to the general public, as reflected by a freer press. These two effects could theoretically lead to some sort of correlation between democratic openness and attitudes. Strong empirical support validates a correlation between these variables.

The predictive power of democracy and attitudes together is significant with an F-stat for democracy and attitudes together as 2.58, yet neither coefficient is sig-

nificant on its own at this high level. While the estimation on democratic openness is unexpected, our model is still valid and this estimate does not bias our main explanatory variable in any way. While this model as a whole has good explanatory power and lends legitimacy to our variable selection, the statistical insignificance of some of the results reduces its validity.

This model estimates the level of transparency as statistically insignificant. We expected transparency to increase the level of environmental performance at a decreasing rate, so the model exhibits the expected signs; however, the P-values are very high which really limits the model's credibility. The estimation on attitudes also presents a variable with the expected sign, but the results are not significant. Surprisingly this significance changes when a more precise specification of PR is used in the next model. We will explore the potential reasons for this change in significance, but first let us review our main explanatory variable and its effect in this model.

Initially, we predicted that the binary PR variable may not be significant simply due to multicollinearity; therefore, we tested the correlation between democracy and PR, as it seemed to have the most intuitive connection. The correlation matrix is as shown in Table 3.

Because the PR and democracy variables exhibit some degree of multicollinearity, we assumed that perhaps the low and insignificant effect of PR was simply consumed in the coefficient on democracy. However, looking at the correlation matrix, we can see that democracy and PR are not very highly correlated. Also, the F-stat on this variable is only 1.24, showing that both variables together do not significantly predict the EPI. After analyzing the data

through these and other tests we determined that the binary PR value simply did not have the significant effect that we had predicted. While at first disheartening, this makes the results for the second model using district magnitude all the more interesting.

#### *District Magnitude*

In the second model, we estimated the effect of PR using a different measurement, and found that it significantly affected the EPI. In the second and most important model (Table 5) the only modified variable is that representing PR, changing from a binary to the number elected to the legislature from each district. This model more accurately estimates the degree of proportional representation because as this district magnitude increases it reflects the variance of the voters' preferences with more precision. A higher number of seats also increases the likelihood of smaller interest groups obtaining seats in the legislature; this occurrence directly relates to one of the theoretical reasons why PR matters. We hypothesized earlier that a larger role for small interest groups facilitates more "green" policies; hence, the number of members in a district should lead to a significant, positive effect on environmental protection. The estimates for this second model are shown in Table 4.

We are correct in our hypothesis that the number of members in the legislature elected from each district is a more accurate predictor for the environment. Our  $R^2$  increases by almost 5 percent while the number of variables stays the same, showing that the overall explanatory power increases. In terms of the control variables, literacy and GDP still have a significant, positive

**Table 3: Correlation Matrix for Democracy and PR**

	Democ	PR
Democ	1.0	
PR	0.397	1.0

**Table 4: Regression Estimates for Model Using Number of Members in a District**

Variables				$R^2 = 0.839$ Adj $R^2 = 0.81$
EPI	Coefficient	Std. Error	T-statistic	P-value
Intercept	-16.6	12.13	-1.37	0.178
Literacy_2005	0.23	0.07	3.18	0.003
Log GDP	5.63	1.80	3.12	0.003
Democracy	-0.45	0.33	-1.38	0.173
Transparency	4.42	2.41	1.83	0.073
Transparency <sup>2</sup>	-0.33	0.19	-1.69	0.097
Member dist.	0.32	0.148	2.14	0.038
Attitudes	3.11	1.70	1.83	0.075
OECD	0.01	2.62	0.00	0.997

effect on environmental performance, which confirms previous research on the subject. The only real issue with this model is the consistently unexpected sign of the coefficient on democracy. The only thing that this could mean is potential multicollinearity, but this does not pose any problems with the rest of our estimates, as discussed earlier. This model does, however, solve all of the other difficulties in estimation with the previous model.

We can see that the magnitude and significance of political attitudes increases with this model because we have a more precise estimation of the role of special interests. This is consistent with the belief that a greater diversity of interests is represented with an effective PR system, and thus, environmental attitudes matter more in terms of policy. Environmental attitudes are better represented in a PR system, and this can be seen through more environmentally sound policies. Other control variables also prove to be more significant in this model.

The coefficients on the transparency terms increase in significance to the point that they are significant at the 0.10 level. As Torsten Persson and Guido Tabellini<sup>36</sup> have shown, PR actually has a slightly positive effect on transparency and similarly, with a more precise measure for PR, corruption matters more in our model. We hypothesized that an increase in transparency would actually create better environmental performance. Environmental amenities and natural resources are important public goods that depend on the right incentives for governments—incentives that are skewed by corruption. Therefore, controlling for this nonlinear relationship is important in proper estimation.

The coefficients on the transparency and the transparency-squared variables show the direction in which transparency effects the environment, and then the rate at which this effect is taking place (as it is nonlinear it will not affect environmental performance at a constant rate). The positive coefficient shows that at the mean, as transparency increases by one, the EPI is improved by 4.42, and the estimate on transparency-squared shows that as transparency increases, the rate at which it affects the EPI is mitigated. Conceptually, this could result from the transparency variable scale being nonlinear in some way (that is, a change from zero to one is larger than a change from four to five), or because a relationship exhibiting decreasing returns exists between transparency and environmental performance, or a combination of both these effects occurring simultaneously. The initial reductions in corruption could matter a lot to environmental performance as the conditions of anarchy and disorder (dumping environmental waste, bribing officials to bypass emissions standards, etc.) are mitigated. Yet, after a certain point, reductions in corruption are less dramatically related to the environment (these increases in transparency would create better electoral processes, etc.). Most likely, decreasing marginal returns to transparency account for at least a portion of this

effect and, in addition to our main explanatory variable, could have interesting practical implications.

Our dummy variable control for OECD countries picks up an interesting and previously undiscussed effect in both models. We included this variable to limit any selection bias because there are disproportionately more OECD countries than a random sample would include. This dummy variable controls for any inherent differences in environmental protection with respect to membership in the OECD versus non-membership, which might pick up any shifts in environmental protection that our control variables do not address. Our estimate is actually surprising because it shows no statistically significant difference between these two groups. The only estimates that change when we include the OECD dummy variable are those for literacy and GDP. This means that the OECD estimate is most likely picking up wealth and education effects. Estimating the model with a control for G-8 membership rather than OECD membership actually predicts the opposite effect, G-8 countries have worse environmental performance. However, this result is likely biased by the U.S. and Russia, who are notorious for relatively low environmental standards compared to other parts of the developed world. Thus, we can be assured that our model represents a robust predictor of environmental performance that guarantees the validity of the results on our main explanatory variable.

Our main predictor is significant when measured according to district magnitude, where the binary variable for PR versus FPTP is not significant. The measurement on district magnitude more precisely estimates the likelihood of a special interest group or party obtaining one or more seats in the legislature. Where a one-member district is a FPTP system and presents opportunities only for large and established parties, single-interest parties are increasingly likely to obtain seats in the legislature with a greater district magnitude. The coefficient shows that when one more member of the legislature is added from each electoral district, the EPI increases by .32; this information confirms our hypotheses that PR matters because of increased opportunities to special interest groups.

While the coefficient on district magnitude may seem insufficiently large to represent real, tangible change in environmental performance, it is important to again look at the measure of the EPI. The EPI measures environmental health, air quality, water resources, biodiversity and habitat, productive natural resources, and sustainable energy. While governments have a substantial influence on environmental performance, there are nevertheless constraints on both the policymaker's realm of influence and natural factors. In addition to the control variables accounted for in this model, variability in the EPI can also be explained by colonial heritage, pollution from external sources where effects are distributed interspatially, deg-

radation where effects are distributed intertemporally, international standards, or environmental shocks, specific to each country. Hence, while the effect of district magnitude may initially seem insignificant, due to the variety of complex determinants of environmental performance, any political influence should be given due credit.

### Conclusion

As our results show, the mere presence of a PR system does not significantly influence a country's environmental attitudes; rather, the district magnitude in PR systems is the determining factor. These results are important for two principal reasons. First, we are able to access the inner workings of democracies as they interact with policies and constituents. In this instance, the results themselves are not as important as the fact that there are results and that they show a noticeable difference in the performances of democracies.

But why is this significant? The advantages of democracies over non-democracies are so obvious and so multitudinous that it becomes tempting to ignore the differences among democracies for the facile contrast between democratic systems and other systems. Too often, dysfunctional democratic states are lionized for the sheer fact that they are democratic instead of being offered comparisons and suggestions from more functional states. Along this same vein, non-democratic states are merely urged to "democratize" without being offered specific examples or methods to do so.

This research will help with states' attempts to improve their environmental records. This research shows the importance of incorporating smaller groups into the political arena and the effects that this will have on environmental policy. The implications of our study do not limit themselves to improving environmental attitudes or the study of electoral systems. This disparity among democratic electoral systems and their environmental performance should be considered indicative of larger trends within the study of democracies.

Following these results, research should be done to determine what aspects of democracies affect such vital issues as women's rights, education, economic growth, or even human rights, all issues whose representation in democracies is hardly equal. When this research is done, states will be able to analyze the results and compare them against the specific aspects of their governing systems. Thus, states participating in human rights abuses will see what influences respect for human rights in other democracies, or states that need to give more equal opportunities to women will see what specific aspects of democracy have the most positive correlation to women's rights. Furthermore, when currently non-democratic states do decide to democratize, they can look at the problems unique to their country, the corpus of research devoted to those certain problems, and,

then, choose to implement democratic systems designed specifically to target those problems.

The second significant part of our research is the proven desirability of the integration of interest groups into the political arena in a way that is not driven entirely by money. The obvious differences between systems with low district magnitude, or FPTP systems, and PR systems with high district magnitude highlight the role that special interest groups play in the political system, specifically, the role that they are allowed to play and the effects they are allowed to have as determined by the limiting factors of the electoral system. The positive effects of an increased participation by special interest groups could easily translate to other areas of public policy or social needs. In addition to the increased role of special interest groups, the interaction between financial contributions from these groups and favorable legislation passed for them might be drastically reduced. As money gradually becomes less significant, confidence in the government is likely to grow and democratic institutions are likely to be strengthened.

### NOTES

1. Midlarksy, Manus I. "Democracy and the Environment: An Empirical Assessment," *Journal of Peace Research*, 35(3), 1998, pp. 341-61.
2. Meadowcroft, James. "The Politics of Sustainable Development: Emergent Arenas and Challenges for Political Science," *International Political Science Review*, 20(2), 1999, pp. 219-37.
3. Smith, Peter H. *Democracy in Latin America: Political Change in Comparative Perspective*, New York, Oxford University Press, 2005.
4. Cox, Gary. *Making Votes Count: Strategic Coordination in the World's Electoral Systems*, Cambridge, Cambridge University Press, 1997.
5. Norris, Pippa. "Choosing Electoral Systems: Proportional, Majoritarian, and Mixed Systems," *International Political Science Review*, 18(3), 1997, pp. 297-312.
6. Johnson, Joel, and Jessica Wallack. "Database of Electoral Systems and the Personal Vote," 2005, Retrieved 8 December 2006 from <http://dss.ucsd.edu/~jwjohnso/espv.htm>.
7. Carey, John. "Institutional Design and Party Systems," *Consolidating Third World Democracies*, eds. Larry Diamond, Marc F. Plattner, Yun-han Chu, and Hung-mao Tien's, Baltimore, Johns Hopkins University Press, 1997.
8. Meltzer, Allan H. and Marc Vellrath. "The Effects of Economic Policies on Votes for the Presidency: Some Evidence from Recent Elections," *Journal of Law and Economics*, 18(3), 1975, pp. 781-98.
9. Slone, Michelle. "Responses to Media Coverage of Terrorism," *The Journal of Conflict Resolution*, 44(4), 2000, pp. 508-22.
10. Smith, 2005, p. 168.
11. Gopoian, J. David, and Sissie Hadjiharalambous. "Late-deciding Voters in Presidential Elections," *Political Behavior*, 16, 1, 1994, p. 76.
12. Brown, David, J. Christopher Brown, and Scott W. Desposato. "Left Turn on Green? The Unintended Consequences of International Funding for Sustainable Development in Brazil," *Comparative Political Studies*, 35, 7, 2002, pp. 814-38.
13. Cox.
14. Norris; Low-Beer, John H. "The Constitutional Imperative of Proportional Representation," *The Yale Law Journal*, 94(1), 1984, pp. 163-88.
15. Meltzer and Vellrath.
16. Canon, David T. "Electoral Systems and the Representation of Minority Interests in Legislatures," *Legislative Studies Quarterly*, 24, 3, 1999, pp. 331-85.

17. Mainwaring, Scott. "Presidentialism in Latin America," *Latin American Research Review*, 25(1), 1990, pp. 157–79.
18. Monroe, Alan D. *Essentials of Political Research*, Boulder, Westview Press, 2000.
19. Esty, Daniel C., Christine H. Kim, Tanja Srebotnjak, Marc A. Levy, Alexander de Sherbinin, and Bridget Anderson. "Environmental Protection Index," *Yale Center for Environmental Law & Policy*, 2006, Retrieved 25 October 2006 from <http://www.yale.edu.epi>.
20. Beck *et al.* 2001.
21. Johnson and Wallack.
22. Smith, 2005.
23. Esty.
24. Barbier, Edward, Michael Common, and David Stern. "Economic Growth and Environmental Degradation: The Environmental Kuznets Curve and Sustainable Development," *World Development*, 24, 7, 1996, pp. 1151–60.
25. Cole, Matthew A., A.J. Rayner, and J.M. Bates. "Environmental Kuznets Curve: An Empirical Analysis," *Environment and Development Economics*, 2, 1997, pp. 401–16; Harbaugh, William T., Arik Levinson, and David Molloy Wilson. "Reexamining the Empirical Evidence for an Environmental Kuznets Curve," *The Review of Economics and Statistics*, 84, 3, 2002, pp. 541–51.
26. Midlarsky.
27. Jahan, Selim. "Unequal Human Impacts of Environmental Damage," eds. S. Fukuda-Parr and A.K. Shiva Kumar, *Readings in Human Development*, New York, Oxford University Press, 2005.
28. Gurr, Ted R., Keith Jaggars, and Monty G. Marshall. "Polity IV dataset version 2004," 2004, retrieved 1 November 2006 from <http://www.cidcm.umd.edu/polity/>.
29. Transparency International, Global Corruption Report, 2004. Available at [http://www.transparency.org/publications/gcr/download\\_gcr/download\\_gcr\\_2004#download](http://www.transparency.org/publications/gcr/download_gcr/download_gcr_2004#download).
30. Treisman, Daniel. "The Causes of Corruption: A Cross-national Study," *Journal of Public Economics*, 76, 2000, pp. 399–457.
31. Smith, 2005.
32. World Values Survey, European, and World Values Surveys Four-wave Integrated Data File, 1981–2004, v.20060423, 2006. Available at <http://www.worldvaluessurvey.org>.
33. Inglehart, Ronald. *The Silent Revolution: Changing Values and Political Styles Among Western Publics*, Princeton, Princeton University Press, 1971.
34. *Ibid.*; Lee, Aic-Rie and Quentin Kidd. "More on Postmaterialist Values and the Environment," *Social Science Quarterly*, 78(1), 1997, pp. 36–43; Pierce, John C. "The Hidden Layer of Political Culture: A Comment on 'Postmaterialist Values and the Environment: A Critique and Reappraisal,'" *Social Science Quarterly*, 78(1), 1997, pp. 30–5.
35. Midlarsky.
36. Persson, Torsten and Guido Tabellini. *The Economic Effects of Constitutions*, Boston, MIT Press, 2003.

#### REFERENCES

- Banducci, Susan A., and Jeffrey A. Karp. "Perceptions of Fairness and Support for Proportional Representation," *Political Behavior*, 21, 3, 1999, pp. 217–38.
- Beck, Thorsten, George Clarke, Alberto Groff, Philip Keefer, and Patrick Walsh. "New Tools in Comparative Political Economy: The Database of Political Institutions," *World Bank Economic Review*, 15, 1, 2001, pp. 165–76.
- Esty, Daniel. "Stepping Up to the Global Environmental Challenge," *Fordham Environmental Law Journal*, 8, 1, 2000, pp. 103–13.
- Stern, David. "The Rise and Fall of the Environmental Kuznets Curve," *World Development*, 32(8), 2004, pp. 1419–39.

# Electing Justice Book Review

Tim Taylor

Professor Richard Davis's book *Electing Justice: Fixing the Supreme Court Nomination Process* leaves its readers informed, frustrated, and overwhelmingly surprised by the all-too political process surrounding the nomination and confirmation of Supreme Court Justices. The book is great history, unfurling the progression of court appointments from staid congressional duty to media frenzy with a good, if not excellent, balance of narrative, analysis, and anecdote. While the crux of Davis's response to the politicization of judicial nomination—that we should elect the Supreme Court Justices—may sound radical at first glance, his actual proposal is nuanced and (dare I say it?) practicable. Not all readers will be convinced that American citizens ought to elect justices, but the book's argument is refreshing and admirably serious.

## Summary

The book's introduction, and best section, is a frustrating position paper. Here, Davis unapologetically makes his case:

Particularly in the last quarter century or so, we have transformed the judicial selection process into one with all of the trappings of an electoral campaign but without the key players—the electorate. This is an untenable situation—a reality that looks only vaguely familiar to the formal structure designed for it more than 200 years ago and a process that no longer reflects reality.<sup>1</sup>

I say this chapter is frustrating because we do not want to believe what he has to say, but the evidence he provides is convincing. He begins by dispelling the myth that judicial nominees are selected for their merit alone. While competence matters, a plethora of senators have expressed that candidates with philosophies far from the Senate's philosophy will “be in for a rough ride.”<sup>2</sup> Thus,

it is important for presidents to “sell” their nominees; in response to the president's salesmanship, forces both for and against the nominee mobilize in hopes of influencing the Senate. However, the power of these forces—the media, interest groups, and public opinion—has multiplied in the last fifty years. These external players, who are not constitutionally enumerated, are here to stay, and the judicial selection process must be restructured to adapt to this new reality, says Davis. The battles waged over the confirmations of Justices John Roberts and Samuel Alito prove Davis correct: the process is political, and external forces are not only refusing to disappear, but growing in strength. For idealists of the judicial branch these revelations are, indeed, frustrating.

The book's first full chapter, “Traditional Versus New Players,” details the constitutional and extra-constitutional roles of each branch of government in the judicial process and also the rise of new players: interest groups, the news media, and public opinion. For a presidency, a Supreme Court nomination has far-reaching ramifications: nominees may shift the court right or left, boost a president's image among moderates or his core constituency, and serve as a barometer of the relative strength of the presidency to the Senate. As for the Senate, its pendulum between quiescence and assertiveness currently swings towards assertion. Even so, senators must take pains to avoid appearing either belligerent or political. Finally, the judiciary affects the process through timed retirements and their activity on the bench. Beyond these constitutional forces, new actors are affecting the selection process, and they are doing so strongly and on every nomination, rather than just occasionally. Unlike in the past, nominees are now subjected to extensive scrutiny of both their professional and private lives. Interest groups lobby both

for and against nominees on strictly ideological grounds, and constituents are encouraged to pressure their senators one way or the other. Davis argues that the growing politicization of the selection process has less to do with ideological presidents or confrontational senators, and more to do with the excesses of these new players. To that end, the role of these new players, especially the public's, ought to be recognized, legitimated, and regulated.

The book's next chapter provides a history of judicial selection, demonstrating that it has always had a political element. Presidents choose meritorious candidates, but they also choose candidates who mirror their personal ideology, who are personal friends, and who represent certain ethnic, religious, or gender groups. Presidents' decisions are further influenced by advisors, senators, and current court members. The Senate's reaction to nominees is influenced by its partisanship, its relationship with the president, the timing of the nomination, and the nominee him/herself. What is most noteworthy, Davis demonstrates, is that the time required for confirmation of nominees has markedly increased in the last thirty years.

In chapter three, Davis argues that the conditions for a more public, protracted, and altogether broken court selection process were in place by the Reagan administration. Congress was resurgent, the Supreme Court was fresh off many policy-making decisions involving salient issues like abortion, school prayer, and racial integration, and the media's resources and appetite had grown considerably. While Robert H. Bork's Senate conflagration is typically seen as a turning point, Davis argues, it is viewed as such only because the conditions for it were set. Since Bork, the incentives for expanding the fight have remained and so will the broken process.

Davis shows in chapter four how the new players affect judicial selection. First, are the interest groups. They reinforce the concept of "litmus tests" for nominees and lobby senators; more powerfully, though, they have become institutionalized in the selection process, with group representatives testifying during hearings. The press scrutinizes candidates, often doggedly, and revs up public interest in nominees. Whether rightfully or not, the press fain plays up the drama of judicial selection. Finally, the public is playing a larger role in the process, even though the Constitution's original intent specifically prohibited it. Public opinion polling and its consequent leverage has its influence on the Senate.

Given the influence of public opinion, the White House, Senate, and interest groups all labor to create a suitable image of each nominee. The presidency has the advantage of surprise in announcing a nominee, but opposition groups quickly marshal their opposition. Then, the battle for the identity of the candidate is waged through the media. Sometimes, the White House wins, for example, when it successfully sold Clarence Thomas as a rags-to-riches personifi-

cation of the "American Dream." Other times, opposition forces win, such as, when the public became convinced that Bork truly was out of the mainstream. In either case, the media can be relied upon to foment the conflict.

After tracing the history and current problems of the selection process, Davis offers bold recommendations to repair it. He scolds presidents for nominating justices according to certain political or ideological themes; he scolds the Senate for treating confirmation hearings as high theatre rather than serious deliberation; and he scolds nominees for being less-than forthright in their testimonies. However innocuous, his strongest reform is for the public: "Since . . . the public already is involved as a player, one possible reform is to formalize that involvement by allowing the public to participate in the selection of justices."<sup>3</sup> He suggests term limits and the regular election of new justices by a plebiscite of nominees already confirmed by the Senate, competitive election among potential nominees submitted by the president, or by other limited means. He submits the democratizing trend of American politics and the election of state justices as powerful precedent. Whether or not one agrees with his proposal, his argument in this chapter is careful and serious.

#### Evaluation of Methodology

Systematic study of the Supreme Court is difficult for one overwhelming reason: a small sample size. That is, with the court only rotating in a new justice every two years, on average, it is challenging to develop models that both explain and predict the behavior of presidents, Congress, nominees, and extra-constitutional players, simply because there are few real world observations to base those models upon. From the court's inception, in 1789, to the present day, only 110 justices have occupied its bench (108 at the time *Electing Justice* was written). This contrasts starkly with the data available to congressional scholars, who have 535 members to observe, with many of them changing every two years. It is in even greater contrast with behavioral political scientists or pollsters who typically judge one thousand as the magic number of observations necessary for analysis.

As Davis's observations are truncated in quantity, they are also elongated in time, further compounding difficulty. He argues that there has been a fundamental shift in the role of public opinion, media, and interest groups in the selection process over the last quarter-century. Yet, his argument must be based on only a few select instances, specifically, the nomination of William Rehnquist to chief justice and the subsequent confirmation battles from Antonin Scalia to Stephen Breyer. Thus, the number of *relevant* observations to Davis's argument is exceptionally small.

To address this problem, Davis first expands the study by, in the words of Robert A. Dahl, "quantifying when he can and qualifying when he must." Davis produces

convincing figures that something truly has broken in the Supreme Court nomination process: the nomination process takes significantly longer, nominations are featured more often in major print and television media, and opposition groups are featured more prominently in those media spots. *Electing Justice* is a slim volume, and it could benefit from additional quantitative information. Specifically, he tracks the growing influence of the media, but few numbers are given to support the assertion that interest groups and the public are becoming increasingly involved. Have senators actually received more constituent calls regarding nominations since the 1970s? Have groups poured more money into the fight? Data on these and similar questions would be an improvement.

Although Davis does not expand on quantitative information, he does assemble his qualitative evidence nicely. His particular gift for narrative shines as his volume seamlessly incorporates anecdotes, news reports, scholarly assessments, and expert opinion. Together, this forms a comprehensive account of the last thirty years of Supreme Court selections, and every relevant detail is included. In the book's acknowledgements, he includes his debt to several current justices, senators, and officials for their interviews and candor.

While Davis assembles his observations well, his explanation falls short. *Electing Justice*'s theoretical underpinnings are underdeveloped, and the main causal mechanism he uses to explain the increasingly participatory nature of the Supreme Court selection process is inadequate. While reasonable, its explanatory power is limited. Given the incentives for increased participation, why was the fight not joined until roughly the 1970s? And if appeals to a larger group increase an interest's chance of success, why do politicians more often decry the politicization of the process rather than embrace it? And given the theory's suggestion that the conflicts will inevitably increase in size, then why have some later confirmations, such as those of Ruth Ginsburg and Breyer, been relatively quiet?

This criticism of theory is a minor complaint. The organization of the book does clearly lay out what has happened to the selection process, and *why* it is of a lesser concern. Again and again, and impressively, Davis iterates that it *did* happen, and fixing the process is his point.

### Justice by Consent?

*Electing Justice*'s argument leaves the reader either sharply opposed or vigorously supportive. Its central premise—the current judicial selection system is essentially participatory for all but the electorate—cannot be denied *prima facie*. However, its central conclusion—the government ought to legitimate the electorate by including it in the selection system—can be.

Davis deserves credit for advancing a controversial idea. He deserves even more credit for suggesting

proposals that are altogether serious. It would be far more incredulous than bold for Davis to call for open, presidential-style elections of Supreme Court Justices. Thus, his courage lies in the modest reforms he advances. They are compelling—perhaps, dangerous to some minds—because they are realistic.

Nonetheless, I remain unconvinced. Given the evidence the book brings forward, there is little reason to believe that more fully including citizens in judicial selection will alleviate its current politicization, nor is there assurance that electing the Supreme Court would not bring problems worse than those of the current system.

In the initial moment, it seems the election route is a bow to reality, a giving up. The book argues that, in regard to the unprecedented media and interest group attention given to judicial nominees since the 1970s, the “genie cannot be put back in the bottle.” Maybe it cannot, but is the only option total acquiescence? Instead, I would suggest that much of the furor of recent confirmations is less because of the media's growing appetite—though it is substantial and has substantially affected all three branches of government—and is more a consequence of an overly ambitious late twentieth century Court, particularly during the Thomas Berger years.

It is difficult to study the Supreme Court in this sense because its members change at a glacial pace. Nonetheless, it is indisputable that the Court's sweeping reforms in the 1960s and 1970s, and incremental reverses from the 1980s through 2007, have raised the profile of the Court in the public consciousness. The strongest example of this is *Roe v. Wade*. Unlike many other decisions, such as *Brown v. Board of Education* or *Gideon v. Wainwright*, which were controversial at their time but have since become accepted, *Roe v. Wade* remains stubbornly unresolved, a fifty-fifty issue in 1973 and a fifty-fifty issue in 2007. Abortion has become the de facto judicial litmus test, evidenced well enough by *Electing Justice*'s compilation of most-quoted interest groups during confirmation hearings: NARAL, Planned Parenthood, and National Right to Life are three of the top five. Abortion has drawn millions of—probably—previously apathetic citizens into the Supreme Court debate.

The activist Court of the 1960s and 1970s drew further attention from citizens as it struck other previously unmolested nerves: affirmative action, flag burning, and student rights. So many decisions, handed down then to protests and cheers, remain raw wounds or protected treasures to differing groups. Conciliation has not occurred, so the Court's stakes remain high. Thus, the public has primed the media for increased attention to judicial confirmations, not the other way around.

Democratization of the Supreme Court, whether by one of the modes suggested by Davis or another, is an attractive alleviant, particularly to those who feel they have been ill-served by the Supreme Court. Election dynamics

suggest that presidents would be forced to nominate centrist rather than ideological nominees. Therefore, the logic goes, the Supreme Court will not make polarizing decisions, and the people will finally get the decisions from the Court that they wanted all along. The public will be pleased further as its role in the process is legitimated, in contrast to today, where the public influences judicial selection only indirectly through senatorial pressure and interest group leverage. In short, public empowerment will cleanse both the selection process and the Supreme Court.

Unfortunately, democratizing the judicial selection process will muddy the Supreme Court like nothing else. Davis correctly notes that the selection process does “have all the trappings of an electoral campaign,”<sup>4</sup> but sloganeering and stump speeches alone do not democracy make. The whole point of the “trappings” is to advertise the consequences of an official’s election or rejection. There is no election without expectation.

And what would expectation mean for an elected Supreme Court? Why, just what its agitators on the right and left want—a Court of preclusion, one that has made its rulings before taking the bench. In this Court, the public’s desire is legitimated by its role as elector, and the added pressure may force its justices to bow to opinion polls rather than justice. The alternative is for the Court to alienate the public to a degree it could not without election, which would result in more polarization, more rancor, and more power to special interests. *Electing Justice* says much about a judiciary that is both accountable and independent. I cannot see these two ideals as anything but contradictory.

### Conclusion

*Electing Justice* is a fabulous history, studious, incisive, well-documented, and refreshing. Davis deserves tremendous credit for shedding light on how the Supreme Court selection process has changed and for proposing a remedy to its current system.

The book’s most valuable use may be as a guide to the future. The nomination and confirmation battles of Justices John Roberts and Samuel Alito fit the book’s models extremely well and confirm the permanent and powerful role of the media, interest groups, and the public in the selection process. A second edition of the volume accounting for these two selections would be most welcome. As the Court’s recent rulings on school integration, campaign advertising, and other issues demonstrate, the judicial branch is alive, well, and as powerful as ever. Davis’s work is a valuable contribution to understanding the judicial branch’s power and to encouraging its proper use.

### NOTES

1. Davis, Richard. *Electing Justice: Fixing the Supreme Court Nomination Process*, Oxford University Press, 2005, p. 9.
2. *Ibid.*, p. 6.
3. *Ibid.*, p. 170.
4. *Ibid.*, p. 9.

